

# **EXHIBIT N**

1 UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
2 Case No: 1:19-cv-03825 (JMF)

-----x

3 JASON BOYCE,  
4 Plaintiff,  
5 -against-  
6 BRUCE WEBER and LITTLE BEAR INC.,  
7 Defendants.

-----x

8 Case No. 1:18-cv-12112

-----x

9 JOSHUA ARDOLF, ANTHONY BALDWIN,  
BUDDY KRUEGER, JACOB MADDEN, and  
10 JNANA VAN OIJEN,  
11 Plaintiffs.

12 -against-  
13 BRUCE WEBER,  
14 Defendant.

-----x

15  
30 Rockefeller Plaza  
16 New York, New York  
17 September 26, 2019  
9:14 a.m.

18  
19  
20 Videotaped Deposition of JOSHUA ARDOLF,  
21 a Plaintiff in the above-entitled action,  
22 held at the above time and place, taken  
23 before Dawn Matera, a Shorthand Reporter  
24 and Notary Public of the State of New York.  
25

<p>1 APPEARANCES :</p> <p>2</p> <p>3 THE BLOOM FIRM</p> <p>4 Attorneys for Plaintiffs</p> <p>5 85 Delancey Street</p> <p>6 #20</p> <p>7 New York, New York 10002</p> <p>8 (954)661-6734</p> <p>9 By: ARICK FUDALI, ESQ.</p> <p>10 arick@thebloomfirm.com</p> <p>11</p> <p>12 NELSON MULLINS RILEY &amp; SCARBOROUGH</p> <p>13 LLP</p> <p>14 Attorneys for Defendants Bruce Weber</p> <p>15 and Little Bear</p> <p>16 2 South Biscayne Boulevard</p> <p>17 21st Floor</p> <p>18 Miami, Florida 33131</p> <p>19 By: JONATHAN ETRA, ESQ.</p> <p>20 jonathan.etra@nelsonmullins.com</p> <p>21 -and-</p> <p>22 SALE &amp; WEINTRAUB, P.A.</p> <p>23 2 South Biscayne Boulevard</p> <p>24 One Biscayne Tower - 21st Floor</p> <p>25 Miami, Florida 33131</p> <p>(305)374-1818</p> <p>By: JAYNE C. WEINTRAUB, ESQ.</p> <p>jweintraub@saleweintraub.com</p> <p>-and-</p> <p>SHEPPARD MULLIN RICHTER &amp; HAMPTON LLP</p> <p>30 Rockefeller Plaza</p> <p>New York, New York 10112</p> <p>(212)634-3095</p> <p>By: DANIEL BROWN, ESQ.</p> <p>dbrown@sheppardmullin.com</p>	<p>Page 2</p> <p>1 INDEX</p> <p>2 Witness Page</p> <p>3 JOSHUA ARDOLF 9</p> <p>4 Examination By:</p> <p>5 Ms. Weintraub 8</p> <p>6 Mr. Fudali 353</p> <p>7 Ms. Weintraub 362</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 Ardolf Page</p> <p>11 Exhibit 1 LinkedIn profile 16</p> <p>12 Exhibit 2 Photographs numbered 34</p> <p>13 59827-1 and 2</p> <p>14 Exhibit 3 First amended complaint 57</p> <p>15 Exhibit 4 Verification 61</p> <p>16 Exhibit 5 e-mail from Carmelo 67</p> <p>17 Pizzuto to Gwen Walberg</p> <p>18 Exhibit 6 Contact sheets 69</p> <p>19 Exhibit 7 Document Bates stamped 119</p> <p>20 LBBW 37400</p> <p>21 Exhibit 8 Document Bates stamped 128</p> <p>22 LBBW 37406</p> <p>23 Exhibit 9 Document Bates stamped 129</p> <p>24 LBBW 37442</p> <p>25 Exhibit 10 Document Bates stamped 131</p> <p>LBBW 37446</p> <p>Exhibit 11 Document Bates stamped 137</p> <p>LBBW 37214</p> <p>Exhibit 12 Document Bates stamped 138</p> <p>LBBW 37471</p> <p>Exhibit 13 Document Bates stamped 141</p> <p>LBBW 37506</p>
<p>1 APPEARANCES : (Continued)</p> <p>2</p> <p>3 Also Present:</p> <p>4</p> <p>5 Jonathan Bernstein, Little Bear</p> <p>6 Jonathan Popham,</p> <p>7 Videographer</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1 Exhibit 14 Document Bates stamped 144</p> <p>2 LBBW 37509</p> <p>3 Exhibit 15 Document Bates stamped 146</p> <p>4 LBBW 37516</p> <p>5 Exhibit 16 Document Bates stamped 151</p> <p>6 LBBW 37546</p> <p>7 Exhibit 17 Document Bates stamped 152</p> <p>8 LBBW 37536</p> <p>9 Exhibit 18 Document Bates stamped 154</p> <p>10 LBBW 37549</p> <p>11 Exhibit 19 Document Bates stamped 154</p> <p>12 LBBW 37548</p> <p>13 Exhibit 20 Document Bates stamped 157</p> <p>14 LBBW 37565</p> <p>15 Exhibit 21 Document Bates stamped 160</p> <p>16 LBBW 37605</p> <p>17 Exhibit 22 Document Bates stamped 162</p> <p>18 LBBW 37620</p> <p>19 Exhibit 23 Document Bates stamped 166</p> <p>20 LBBW 37216</p> <p>21 Exhibit 24 Document Bates stamped 172</p> <p>22 Plaintiffs 270 to 321 and</p> <p>23 456 to 467</p> <p>24 Exhibit 25 Disclosures 288</p> <p>25 Exhibit 26 Photographs 332</p> <p>Exhibit 27 Document Bates</p> <p>stamped 003 349</p> <p>INFORMATION REQUESTED</p> <p>Page Line</p> <p>170 17</p> <p>198 5</p> <p>319 10</p> <p>~oOo~</p> <p>Page 4</p> <p>Page 5</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. And nothing inappropriate 2 occurred, correct? 3 A. No. 4 (Ardolf Exhibit 2, Photographs 5 numbered 59827-1 and 2, was so marked 6 for identification, as of this 7 date.) 8 Q. I am going to show you what's 9 been marked as Exhibit 2 and ask you are 10 these some of the photos that you took at 11 the go-see? 12 A. Yes. 13 Q. And as far as you were 14 concerned, they were beautiful pictures, 15 yes? 16 A. Yes. 17 Q. And there was nothing offensive 18 or horrible about it, right? 19 A. Right. 20 Q. Certainly nothing dirty about 21 it. They were just full images body 22 shots, right? 23 MR. FUDALI: Object to form. 24 A. Yes. 25 Q. Fair to say you always had skin</p>	<p style="text-align: right;">Page 36</p> <p>1 A. At the go-see? 2 Q. Yes. 3 A. Yeah. 4 Q. And did you do any relaxation 5 exercises at the go-see to calm down? 6 A. No. 7 Q. Did Bruce Weber ever make you 8 any promises at the go-see? 9 A. At the go-see he did bring up 10 French Vogue. 11 Q. He promised that he would get 12 you on that? 13 A. He didn't promise. 14 Q. That's what I am asking. 15 A. No. 16 Q. Okay. So my question was, did 17 he ever promise to book you for a job 18 while you were at the go-see? 19 A. I mean, no. Yeah, he basically 20 brought it up. Said, hey, I have this 21 job coming up. Love to have you. Yeah. 22 And that's how it went. 23 Q. You agree that he said -- did 24 he say French Vogue or did he say he had 25 an upcoming job that he could potentially</p>
<p style="text-align: right;">Page 35</p> <p>1 issues, right? 2 A. Yes, since I was around 17 3 years old, on and off. 4 Q. And were you nervous about 5 that? 6 MR. FUDALI: Object to form. 7 When? 8 Q. Self-conscious about that? 9 MR. FUDALI: Generally, or like 10 at the go-see? 11 Q. Always, when you were 12 photographed. 13 MS. WEINTRAUB: Thank you. 14 MR. FUDALI: Okay. 15 A. I would say generally I was. I 16 would say not just photo shoots, just in 17 general. 18 Q. And did Mr. Weber, when you 19 noted your nervousness, did he tell you 20 to just take some deep breaths? 21 A. He told me to relax and -- 22 yeah. 23 Q. And do you remember being 24 appreciative to his kind manner and the 25 way that he was treating you?</p>	<p style="text-align: right;">Page 37</p> <p>1 recommend you for that he thought you 2 would be good for? 3 A. I don't remember the exact -- I 4 believe, I believe it was French Vogue 5 that he said, because, but... 6 Q. I mean there certainly weren't 7 any promises that were made for potential 8 future jobs for you to rely on at that 9 moment, right? 10 A. Right, no promises. 11 Q. Okay. Two months later your 12 agent got you booked for the French Vogue 13 shoot? 14 A. Yes. 15 Q. And that was Carmelo? 16 A. Yes. 17 Q. Bruce Weber didn't call you and 18 book you, did he? 19 A. No. 20 Q. Your agency booked you, 21 correct? 22 A. Right. 23 Q. Did Bruce Weber recruit you 24 personally for the French Vogue shoot or 25 it was done through Carmelo?</p>

<p style="text-align: right;">Page 62</p> <p>1 that's not what he said?</p> <p>2 A. Yeah, I think it's worded</p> <p>3 differently than I would.</p> <p>4 MR. FUDALI: I think you're</p> <p>5 looking at --</p> <p>6 THE WITNESS: I know.</p> <p>7 MR. FUDALI: Sorry.</p> <p>8 A. The way this is worded here is</p> <p>9 not how I would word that because he</p> <p>10 basically brought up that, you know, he</p> <p>11 has potential jobs coming in the future,</p> <p>12 and by that, he means he has power.</p> <p>13 Q. Okay. So to you, you</p> <p>14 interpreted it that way?</p> <p>15 A. Right.</p> <p>16 Q. That's the way that you were</p> <p>17 thinking in your mind?</p> <p>18 A. Yeah.</p> <p>19 Q. But Bruce Weber never said</p> <p>20 anything like that, right?</p> <p>21 MR. FUDALI: Object to form.</p> <p>22 A. Not that I can remember.</p> <p>23 Q. And as you sit here today, did</p> <p>24 you ever say?</p> <p>25 A. Did I ever say what?</p>	<p style="text-align: right;">Page 64</p> <p>1 A. We were at his property in the</p> <p>2 Golden Beach area and I don't know the</p> <p>3 exact part. We got brought up to a</p> <p>4 second level.</p> <p>5 Q. Who is we?</p> <p>6 A. I got brought up to a second</p> <p>7 level.</p> <p>8 Q. Who brought you?</p> <p>9 A. It was an assistant. I don't</p> <p>10 remember the name of the assistant.</p> <p>11 Q. Okay. So what did he look</p> <p>12 like?</p> <p>13 A. I'm not sure.</p> <p>14 Q. Do you have a visual recall in</p> <p>15 your mind of what happened when you were</p> <p>16 brought upstairs or downstairs or</p> <p>17 whatever? Yes?</p> <p>18 A. Yes.</p> <p>19 Q. You have a good recall of this?</p> <p>20 A. Yes, definitely.</p> <p>21 Q. Tell me what did the guy look</p> <p>22 like?</p> <p>23 A. Oh, you're still talking about</p> <p>24 the guy?</p> <p>25 Q. Yeah.</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Did you ever say Bruce Weber</p> <p>2 said those things?</p> <p>3 MR. FUDALI: Object to form and</p> <p>4 instruct you not to answer if it's</p> <p>5 something that you talked about with</p> <p>6 your attorney.</p> <p>7 A. I don't remember.</p> <p>8 Q. Did you do breathing or</p> <p>9 relaxation exercises with Bruce Weber?</p> <p>10 A. Yes.</p> <p>11 Q. Was that at the French Vogue</p> <p>12 shoot?</p> <p>13 A. Yes.</p> <p>14 Q. That's the shoot that you said</p> <p>15 you were nervous, right?</p> <p>16 A. Yes.</p> <p>17 Q. And you were intimidated</p> <p>18 obviously by the other models?</p> <p>19 A. Yeah.</p> <p>20 Q. You were self-conscious because</p> <p>21 your skin was bad?</p> <p>22 A. Yes.</p> <p>23 Q. Do you remember where you were</p> <p>24 when Mr. Weber suggested that you do the</p> <p>25 breathing exercises?</p>	<p style="text-align: right;">Page 65</p> <p>1 A. No, no, I don't.</p> <p>2 Q. But you know, and we talked</p> <p>3 about the house, there was a lot going</p> <p>4 on?</p> <p>5 A. Yes.</p> <p>6 Q. A lot of people in and out to</p> <p>7 say the least?</p> <p>8 A. Yes.</p> <p>9 Q. There had to be 30 or 40</p> <p>10 production people around?</p> <p>11 A. Yeah, a lot, a lot of people,</p> <p>12 right.</p> <p>13 Q. So what are you told by this</p> <p>14 assistant?</p> <p>15 A. All I was told was Bruce would</p> <p>16 like to see you. Take some additional</p> <p>17 photos.</p> <p>18 Q. And you were happy to go?</p> <p>19 A. I was like, wow. Like, because</p> <p>20 I was sitting by other models. And, you</p> <p>21 know, I don't know why I got picked.</p> <p>22 Q. Well, others got picked, also,</p> <p>23 to take individual shots?</p> <p>24 A. I'm not sure.</p> <p>25 Q. I mean certainly Mr. Weber</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. Do you remember that?</p> <p>2 A. Yeah.</p> <p>3 Q. And the photo assistant was</p> <p>4 there as well outside?</p> <p>5 A. I can't remember. I don't</p> <p>6 remember that part.</p> <p>7 Q. And that was after what you</p> <p>8 claim happened with the breathing</p> <p>9 exercises?</p> <p>10 A. I don't know which one happened</p> <p>11 first.</p> <p>12 Q. Okay. Was that -- but while</p> <p>13 you were alone with him there, obviously</p> <p>14 nothing inappropriate happened?</p> <p>15 A. Right.</p> <p>16 Q. You're not saying that?</p> <p>17 A. Yes.</p> <p>18 Q. And you don't remember who else</p> <p>19 was there?</p> <p>20 A. No.</p> <p>21 Q. And it's outside the house?</p> <p>22 A. Right. We were outside, but it</p> <p>23 was almost like an interior spot that was</p> <p>24 exposed to the exterior.</p> <p>25 Q. Is it on the side of the house?</p>	<p style="text-align: right;">Page 80</p> <p>1 I'm nervous, you know. I don't</p> <p>2 feel confident. And he's like you just</p> <p>3 need to relax. You know, eventually we</p> <p>4 got to a point where, you know, just get</p> <p>5 more comfortable, just get more</p> <p>6 comfortable. So, you know, we were</p> <p>7 taking shots.</p> <p>8 Q. Pictures?</p> <p>9 A. Right. Pictures.</p> <p>10 Q. And he's talking to you, right?</p> <p>11 He's trying to calm you down and he</p> <p>12 explains -- you have to say yes or no.</p> <p>13 Yes?</p> <p>14 A. Yes.</p> <p>15 Q. And he's saying things because</p> <p>16 he wants you to relax so he can get the</p> <p>17 best possible picture?</p> <p>18 MR. FUDALI: Object to form.</p> <p>19 Q. Right?</p> <p>20 A. Yes.</p> <p>21 Q. So while this is going on --</p> <p>22 and this is not taking long. It's just</p> <p>23 taking long to talk about it, but it</p> <p>24 really was pretty quick, right?</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 79</p> <p>1 A. I believe it was right in the</p> <p>2 middle somewhere.</p> <p>3 Q. And there were other people</p> <p>4 around?</p> <p>5 A. So like this house is massive.</p> <p>6 And we were -- we were sectioned off.</p> <p>7 There were no other people walking around</p> <p>8 that I remember.</p> <p>9 Q. Okay. But nothing</p> <p>10 inappropriate happened anyway?</p> <p>11 A. No, no.</p> <p>12 Q. Okay. Going back to when</p> <p>13 you're upstairs, how many pictures were</p> <p>14 taken, do you know, a bunch? Were you</p> <p>15 there more than a few minutes?</p> <p>16 A. Yes.</p> <p>17 Q. How long were you there?</p> <p>18 A. I'm not sure.</p> <p>19 Q. And what happened?</p> <p>20 A. So I got up there. I was still</p> <p>21 kind of nervous, you know, especially</p> <p>22 going one on one and taking shots. And I</p> <p>23 was self-conscious about my skin. And,</p> <p>24 you know, Bruce was like what's going on,</p> <p>25 what's going on.</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. So while you're up there and</p> <p>2 he's saying that, you know, he just wants</p> <p>3 you to relax or whatever and he's trying</p> <p>4 to get you to calm down, what happens</p> <p>5 with the breathing --</p> <p>6 A. With the --</p> <p>7 Q. -- exercises.</p> <p>8 A. With the breathing exercises?</p> <p>9 Q. Mm-mmm.</p> <p>10 A. Basically, you know, he told me</p> <p>11 to come closer. So I came closer. And</p> <p>12 he's like grab my hand. So I grabbed his</p> <p>13 hand. And he's like put my hand where</p> <p>14 you feel the energy. So I would put it</p> <p>15 on my head. I would put it on my chest.</p> <p>16 I would put it on my shoulder. You know,</p> <p>17 anywhere I could above my waist.</p> <p>18 Q. Okay.</p> <p>19 A. And, you know, then I got to a</p> <p>20 point where -- I mean this was ongoing.</p> <p>21 I don't know, it could have lasted ten</p> <p>22 minutes total, you know, the whole thing.</p> <p>23 The shots, the breathing exercises,</p> <p>24 everything, before I got back to where I</p> <p>25 was before.</p>

<p style="text-align: right;">Page 82</p> <p>1 And then I put his hand on my 2 abdomen and then he forced his hand down 3 on my genitals. 4 Q. Okay. And so he touched you 5 and then you backed away, right? 6 A. Yeah. Yeah. I just didn't 7 know what to do. 8 Q. Like immediately. He touches 9 you and you're like freaking out? 10 MR. FUDALI: Hold on, let him 11 finish. 12 Q. Sorry. Is that right? 13 A. Right. 14 Q. And then I mean before you 15 backed away, would you say that it was 16 more than one or two seconds? 17 A. I can't recall an exact -- 18 Q. Think about it in your mind. 19 A. Right. 20 Q. I need you to think about it in 21 your mind. 22 A. Yes. 23 Q. And if you don't remember, say 24 you don't remember. If you do remember, 25 you need to be honest and tell me. Let</p>	<p style="text-align: right;">Page 84</p> <p>1 four -- all of this time he's got his 2 hand on your genitals, is that what 3 you're saying? 4 MR. FUDALI: Objection. 5 A. It was two or three seconds. 6 Q. Isn't it true, sir, that as 7 soon as he touched you, you backed away? 8 A. Immediately, no. 9 Q. One, two, back away? 10 MR. FUDALI: I am going to 11 object, asked and answered. 12 Q. Yes? 13 MR. FUDALI: He said two or 14 three seconds. 15 MS. WEINTRAUB: You want to 16 testify? 17 MR. FUDALI: He said two or 18 three seconds. If you need me to 19 testify about what he said, yeah, 20 sure. 21 MS. WEINTRAUB: I hope you do a 22 better job. 23 MR. FUDALI: Two to three 24 seconds. 25 MS. WEINTRAUB: Just saying.</p>
<p style="text-align: right;">Page 83</p> <p>1 me ask the question. 2 From the minute that you claim 3 that Bruce Weber touched your genitals to 4 when you backed up, was it one second, 5 two seconds, a minute, ten minutes, what 6 was it? I'll start here, was it more 7 than one or two seconds? 8 MR. FUDALI: I think he was 9 going to answer the original question. 10 MS. WEINTRAUB: Or not. 11 A. It was under ten seconds. 12 Q. Ten seconds is a long time. I 13 am going to count it out for you. One, 14 two, three, four, five -- 15 A. All right. 16 Q. I got to four and you knew it 17 was silly. 18 A. Yes. So four or five. 19 MR. FUDALI: Hold on, object to 20 form. 21 A. Let's say four or five. 22 Q. Let's not say probably four or 23 five. I want you to think about what was 24 going on in your mind and I am going to 25 count it out again. One, two, three,</p>	<p style="text-align: right;">Page 85</p> <p>1 MR. FUDALI: I didn't hear the 2 last comment, I imagine it wasn't 3 appropriate. 4 MS. WEINTRAUB: No, it wasn't. 5 We can strike that, actually. 6 Q. So you claim that while this 7 was happening that -- did Mr. Weber use 8 any oil on you? 9 A. Not that I remember. 10 Q. Now, what did Bruce say while 11 this is happening, if anything? 12 A. I don't think he said anything 13 during that incident. 14 Q. During the breathing exercises, 15 he didn't say anything to you? 16 A. Well, during the breathing 17 exercises, yes. 18 Q. What did he say? 19 A. He would say, you know, where 20 do you feel the energy. And then I would 21 put my hand here. And then he said take 22 it off. And then he'd say, all right, 23 where do you feel energy. And it was a 24 constant thing. 25 Q. He's not talking about your</p>

22 (Pages 82 - 85)

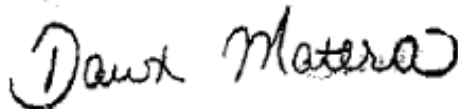
CERTIFICATION

I, DAWN MATERA, a Notary Public  
for and within the State of New York, do  
hereby certify:

That the witness whose testimony  
as herein set forth, was duly sworn by  
me; and that the within transcript is a  
true record of the testimony given by  
said witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I  
am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 7th day of  
October, 2019.

A handwritten signature in cursive script that reads "Dawn Matera". The ink is dark and the signature is fluid.

DAWN MATERA



1           A.       Could have right away. I  
2       didn't know what to do.

3           Q.       You could have resisted if you  
4       wanted to?

5           A.       Right.

6           Q.       So when you went downstairs,  
7       did you talk to anyone?

8           A.       Like I said, I didn't really  
9       talk much at all after that. I'm sure I  
10      did talk to the other models eventually.

11          Q.       Did you say anything to anybody  
12      about what happened?

13          A.       No.

14          Q.       Did you call your agent?

15          A.       No.

16          Q.       Did you call your best friend?

17          A.       I didn't say anything to anyone  
18      about it.

19          Q.       For seven years?

20          A.       Right.

21          Q.       Okay. So you went and you  
22      continued the photo shoot, right? Yes?

23          A.       Right. And this is towards the  
24      end of the day at this point.

25          Q.       But there were still -- you

1 understand, especially having been a  
2 producer, that Bruce does not film  
3 digitally, right? He uses film.

4 A. Right, right.

5 Q. So and you also know from  
6 working in the business about contact  
7 sheets and the order that things go,  
8 right?

9 A. Yes.

10 Q. So before you went upstairs,  
11 did you take the shots on the beach? Do  
12 you remember?

13 A. I don't remember exactly.

14 Q. Do you remember, did you do the  
15 shoots in the bedroom before you went  
16 upstairs? It's actually a set, right, it  
17 wasn't really a bedroom?

18 A. Right.

19 Q. Did you do those shots before  
20 or after?

21 A. I don't remember. Honestly,  
22 the timeline of events is a little  
23 blurry.

24 Q. And do you remember taking  
25 these shots, 60353 on the contact sheet?

1           A.       Yes.

2                   MR. ETRA:   Dash what?   Dash 15.

3                   MR. FUDALI:   It's going to be  
4           marked.

5                   MR. ETRA:   We can make it a  
6           composite exhibit, do you want to do  
7           it that way?

8                   MR. FUDALI:   Sure, however you  
9           want to do it.

10                  MR. ETRA:   It's composite 6.

11           Q.       You remember these shots,  
12   right?

13           A.       Yes.

14           Q.       And these weren't the shots we  
15   talked about before that were statuesque,  
16   the nudes?

17           A.       Yes.

18           Q.       These were alone pictures?

19           A.       Yes, and these could be at the  
20   other location.

21           Q.       These are the pictures that you  
22   were talking about that are the nudes,  
23   what I call statue pictures?

24           A.       Right.

25           Q.       And for the record, this is

1       60353-122, do you see that number on the  
2       bottom?

3           A.       Mm-mmm.

4           Q.       Yes?

5           A.       Yes.    Sorry.

6           Q.       And those are solo shots,  
7       right?

8           A.       Yes.

9           Q.       There are also additional solo  
10       shots, you can see them, right?

11          A.       Yes.

12          Q.       60653-104, right?

13          A.       Yes.

14          Q.       And then there were the shots  
15       of the three of you.   There are more  
16       shots alone.   That's not you?

17          A.       That's not me.

18          Q.       You do agree, though, that  
19       there are shots of somebody else on that  
20       set that's --

21          A.       Yes.

22          Q.       -- individual shots?   You  
23       weren't singled out, there were other  
24       people that were being shot, yes?

25          A.       Yes.

1           Q.       That's you as well in the  
2 shower?

3           A.       Yes.

4           Q.       Other people who also had those  
5 same shots, right?

6           A.       Yes.

7                   MR. ETRA: Read out the numbers.

8                   MS. WEINTRAUB: 60353-34.

9           Q.       So the bottom line is that  
10 there are several different places that  
11 there are individual shots of you, yes?

12          A.       Correct.

13          Q.       And other people individually  
14 on that shoot?

15          A.       Yes.

16          Q.       And there were several places  
17 where it's you and another man  
18 intimately, intimately shot?

19          A.       Yes.

20          Q.       And intimately with another guy  
21 and girl?

22          A.       Correct.

23          Q.       So you said there was no -- the  
24 conversation that you had, if any, with  
25 Bruce Weber up in the hallway upstairs

1       was just the breathing and find your  
2       energy?

3                   MR. FUDALI:   Object to form.

4           A.       No, that's not the only  
5       conversation.

6           Q.       What other conversation was  
7       there?

8           A.       So after that occurred, I think  
9       I went over that earlier, but after the  
10      breathing exercises and everything  
11      occurred, then I ended up getting my  
12      clothes back on. And from there is when,  
13      you know, we started talking generally,  
14      you know. Oh, what jobs do you have  
15      coming up after this? And then he said,  
16      well, I have a couple coming up.  
17      Abercrombie & Fitch is one of them and I  
18      think you could be a top candidate for  
19      it.

20          Q.       But that happened after what  
21      you're claiming happened?

22          A.       Yes.

23          Q.       Okay.

24          A.       Oh, yeah, definitely.

25          Q.       Was there anything else -- I

1 just want to make sure that I cover it  
2 and that I give you an opportunity on the  
3 record to say whatever you want to say.  
4 That I'm not just putting words in your  
5 mouth. Although I do do that all the  
6 time.

7 MR. FUDALI: No objection.

8 MS. WEINTRAUB: Come on.

9 MR. FUDALI: I just said no  
10 objection.

11 Q. Let me just reask the question.  
12 All that talk was done after you claim he  
13 touched you?

14 A. Yes.

15 Q. Okay. Is there anything else  
16 that was said that we haven't discussed?

17 A. Not that I can recall.

18 Q. And he was responding to you  
19 when you asked him, so what jobs do you  
20 have coming up. He responded and told  
21 you about the Abercrombie, you said,  
22 right?

23 A. Right.

24 Q. I mean and his -- Bruce's  
25 demeanor stayed the same. I mean, he was

1 kind, professional, polite at that point,  
2 yes?

3 A. Yeah.

4 MS. WEINTRAUB: I would like to  
5 take a break.

6 MR. FUDALI: Sure.

7 THE VIDEOGRAPHER: Going off the  
8 record at 10:55 a.m.

9 (Off the record.)

10 THE VIDEOGRAPHER: We are back  
11 on the record at 11:12 a.m.

12 Q. We're back on the record.

13 A. Yes.

14 Q. So the verification that's in  
15 front of you that you signed that we  
16 already talked about.

17 A. Yes.

18 Q. And do you remember that you  
19 were reading the responses to the first  
20 set of interrogatories and you're  
21 swearing that this is accurate, right?  
22 Yes?

23 A. Yes.

24 Q. Okay. So just so review,  
25 before we go forward, it says on page 5,



1 "The assistant escorted Mr. Ardolf to a  
2 room." That's not accurate, correct?

3 MR. FUDALI: Object to form.

4 Q. You said it was a hallway?

5 A. Well, it's still technically a  
6 room, isn't it? It was an area.

7 Q. Okay. But I mean there is no  
8 door, no four walls, right?

9 A. There is a door I went into  
10 when I went upstairs.

11 Q. So now there is a door when you  
12 go upstairs, okay?

13 MR. FUDALI: Object to form.

14 Jayne.

15 Q. Take me back. Before you said  
16 you went upstairs and it's a hallway, do  
17 you remember that or do you want it read  
18 back?

19 A. I remember that, yes.

20 Q. You were specifically asked if  
21 there was a door and four walls, remember  
22 all of that? And you specifically said  
23 there was not?

24 A. Because we were --

25 Q. Do you remember that?

1           A.       Yes.

2           Q.       So now I am asking you, we've  
3       had a break, you talked to your lawyer.  
4       Do you want to change your testimony?

5                   MR. FUDALI:   Object -- first of  
6       all, object to the form of the  
7       implication.

8                   MS. WEINTRAUB:   That's what  
9       happened.

10          Q.       Do you want to change your  
11       testimony, yes or no?

12          A.       When we were discussing that,  
13       it sounded like you were explaining it as  
14       a bedroom.

15          Q.       I never used the word  
16       "bedroom."

17          A.       I know, but that's my  
18       perception.

19                   MR. FUDALI:   Hold on.   That  
20       wasn't a question.

21          Q.       My question to you is, before  
22       you said very clearly that it was a  
23       hallway.   Remember I even asked you if  
24       there were four walls, you said no?   We  
25       talked about that, right?

1           A.       Yeah.

2           Q.       Okay. So you clearly  
3 understood me. And now my question is  
4 when I pointed out to you that this is  
5 not accurate, why can't you just admit  
6 that this is not accurate?

7                   MR. FUDALI: Object to the form.

8                   If you understand the question,  
9 you can answer.

10          A.       I was confused.

11          Q.       Okay. You were confused about  
12 whether or not there were four walls or a  
13 door and whether I was asking you about  
14 that?

15                   MR. FUDALI: Object to form.

16                   MS. WEINTRAUB: I just want the  
17 record clear.

18                   MR. FUDALI: Well, you have to  
19 ask a clear question. That was a  
20 compound question.

21          Q.       Here is the question. You're  
22 claiming now that you did not understand  
23 or were confused when I said were there  
24 four walls and a door and you said no.  
25 You didn't understand what I meant?

1 MR. FUDALI: Object to form.

2 Q. Yes, is that what you're  
3 saying?

4 A. Yes, I had a lot of other  
5 things going on in my head during that  
6 time.

7 Q. Because you don't want to say  
8 that you're changing what you said?

9 MR. FUDALI: Object to form.  
10 Jayne, this is such an insignificant  
11 issue. Come on. Let's move on.

12 Q. You can answer the question.

13 MR. ETRA: You have to stop  
14 coaching and characterizing the  
15 significance of the question.

16 MR. FUDALI: This is silly and  
17 ridiculous.

18 MR. ETRA: Say object to form  
19 and that's it.

20 MS. WEINTRAUB: You even said I  
21 am not going to ask again about the  
22 hallway because it was so clear.

23 MR. FUDALI: I even objected  
24 before because the way you were trying  
25 to characterize it as a hallway.

1 MS. WEINTRAUB: I didn't use  
2 that word to begin with. He did.

3 A. A hallway has four walls.

4 Q. Okay. A hallway has four walls  
5 and a door?

6 A. It's possible.

7 Q. Not in that house it isn't, so  
8 I am going to ask you again. Is it --  
9 hold on. Let me ask it to you this way.  
10 Is it your sworn testimony under oath  
11 that you walked through a door in that  
12 hallway, yes or no? I don't want you to  
13 be confused. Think. Yes or no?

14 MR. FUDALI: He just answered  
15 it.

16 A. I don't know.

17 Q. You don't remember?

18 A. It was a room. I don't know.

19 Q. You went upstairs -- how many  
20 rooms are upstairs?

21 A. I'm not sure. I didn't go  
22 through the whole house.

23 Q. I didn't ask you if you went  
24 through the whole house. I asked you if  
25 you went upstairs, yes?

1 MR. FUDALI: Hold on. I am  
2 going to object. I am going to ask  
3 you politely to relax with the tone.  
4 He's not being argumentative. We are  
5 talking about whether, the semantics  
6 of whether a room, whether it was a  
7 room, a hallway or a door.

8 MS. WEINTRAUB: Not semantics.  
9 Nice coach. You can object or not.  
10 No more.

11 MR. FUDALI: I am not going to  
12 let you sit here and badger and  
13 harass.

14 MS. WEINTRAUB: I'm not  
15 badgering.

16 MR. FUDALI: You are. Raising  
17 your voice. Being argumentative. You  
18 can ask questions.

19 MS. WEINTRAUB: I am being  
20 frustrated because he changed his  
21 testimony after talking to you.

22 MR. FUDALI: He didn't change  
23 his testimony. You brought up the  
24 interrogatories. Asked about a room.

25 THE WITNESS: He didn't tell me

1 anything about that.

2 MR. FUDALI: Do not waive  
3 attorney/client privilege. He's  
4 right, but do not waive  
5 attorney/client privilege.

6 MS. WEINTRAUB: Are you done?  
7 Make your speech and then be done.

8 MR. FUDALI: I am done. But I  
9 am going to continue to object and I  
10 am going to instruct him not to answer  
11 if your tone continues to be  
12 aggressive and harassive.

13 Q. Let me ask you this, Josh, the  
14 assistant brings you upstairs, right?

15 A. Yes.

16 Q. He tells you that Mr. Weber is  
17 going to take individual pictures, yes?

18 A. He told me that prior.

19 Q. Okay. And you were glad?

20 A. Yeah, I was excited.

21 Q. And by the way, he did take the  
22 pictures?

23 A. Yes.

24 Q. Okay. So there was no false  
25 pretense, you were told to go upstairs

1       and get the pictures and you got the  
2       pictures?

3           A.       I never got them physically,  
4       but yes, right.

5           Q.       But the pictures were taken,  
6       right?

7           A.       Yes.

8           Q.       Now, you said that he touched  
9       you two to three seconds and you backed  
10      away, yes?

11          A.       Yes.

12          Q.       So when you backed away, did  
13      you say anything?

14          A.       No.

15          Q.       Did he say anything?

16          A.       No, not that I can recall.

17          Q.       Why didn't you say anything at  
18      that moment?

19          A.       I didn't know what to do. I  
20      mean, look, I was super young and I was  
21      shocked. I didn't know what to do,  
22      honestly.

23          Q.       And so you said after that,  
24      that then he started saying, you know,  
25      that -- you asked him does he have any



1 other -- what other jobs do you have  
2 coming up, right?

3 A. Right.

4 Q. And he said, you know what,  
5 actually I have an Abercrombie shoot and  
6 you would be good for it, right?

7 A. Yeah, I would be a top  
8 candidate.

9 Q. By the way, you did get that  
10 job too, didn't you?

11 A. Yes.

12 Q. So again, I mean, there is no  
13 false pretense going on here, right?

14 MR. FUDALI: Object to form.

15 A. No.

16 Q. So do you know, can you  
17 visualize in your mind, you know that the  
18 pictures were taken?

19 A. Yes.

20 Q. The individual pictures. How  
21 many pictures were taken before you claim  
22 he touched you and how many after?

23 A. I don't remember that.

24 Q. Do you remember if he was  
25 taking pictures for a few minutes before,

1 not at all, only after?

2 MR. FUDALI: Object to form.

3 A. I don't remember.

4 Q. Because you don't really  
5 remember anything that happened right  
6 then, do you?

7 MR. FUDALI: Object to form.

8 Asked and answered. You've asked that  
9 question.

10 MS. WEINTRAUB: I didn't get an  
11 answer.

12 MR. FUDALI: You asked that  
13 question multiple times before the  
14 break. You keep trying to get this  
15 thing --

16 MS. WEINTRAUB: I don't have an  
17 answer and I am going to ask it one  
18 more time for an answer.

19 MR. FUDALI: If the answer is  
20 different than what you answered  
21 before, then you can answer.

22 A. I don't remember. I mean --

23 MR. FUDALI: Wait for the  
24 question.

25 Q. Were pictures taken before and

1 after?

2 A. I don't remember.

3 Q. Okay. How long did you stay in  
4 Miami after the shoot?

5 A. After the shoot, I was still  
6 living in an apartment.

7 Q. In New York or --

8 A. In Miami.

9 Q. In Miami in South Beach?

10 A. Miami Beach, South Beach, yes.

11 Q. And where were you working at  
12 the time?

13 A. I wasn't working anywhere. I  
14 was just doing castings through Mega down  
15 there.

16 Q. And were you doing enough  
17 modeling to pay your rent?

18 A. I actually took a loan out to  
19 go down there and found basically a  
20 studio apartment with two other guys  
21 living in that.

22 Q. Two other models?

23 A. No.

24 Q. Or just --

25 A. One was a former model. One

1 was like a security guy.

2 Q. So it was very cheap?

3 A. Yes.

4 Q. I mean --

5 A. Right. That's how I was  
6 able -- no, fine. That's how I was able  
7 to stay there for a little bit longer  
8 than I probably would have otherwise.

9 Q. Okay. Because you weren't  
10 making enough money as a model to support  
11 yourself?

12 A. Oh, yeah.

13 Q. Ever?

14 A. No.

15 Q. Fair statement?

16 A. Yes.

17 Q. So how much money do you think  
18 that you were making a year modeling at  
19 that point? Any?

20 MR. FUDALI: In 2010?

21 MS. WEINTRAUB: Mm-mmm.

22 MR. FUDALI: And 2011?

23 MS. WEINTRAUB: Mm-mmm.

24 A. Both of those years?

25 Q. Mm-mmm. About. Just rough.

1           A.       What I made, 4 to 5,000 at  
2 most.

3           Q.       Okay. Each year or combined?

4           A.       No, combined.

5           Q.       So --

6           A.       That was the gross too. That  
7 was before fees and everything.

8           Q.       Don't get me started on our  
9 politics and taxes today. Sorry.

10                   MR. FUDALI: We've got plenty of  
11 time. Go for it.

12           Q.       When you first started modeling  
13 in 2010/2011, what did you know about the  
14 business end? Like how much money you  
15 would make or how much money you could  
16 make?

17           A.       Yeah, I mean, that was always  
18 in the back of my head. Oh, you know,  
19 you booked this huge campaign, and people  
20 just, people blow up and like that's  
21 their career. And some people can do it.  
22 But, yeah, it didn't work out for me.

23           Q.       But so let's go back. I mean,  
24 but it also, most models, because it is  
25 the very, very minute percent that makes

1       it to that blowup percentage, most models  
2       don't make it that big, agreed?

3           A.       Agreed.

4           Q.       Most models are lucky if they  
5       even get regular work?

6           A.       Yes.

7           Q.       Especially male models?

8           A.       Yeah.

9           Q.       Correct?

10          A.       Correct.

11          Q.       Okay. And so if you were able  
12       to even support yourself as a model, that  
13       would be huge?

14          A.       Yes.

15          Q.       Agreed?

16          A.       For sure.

17          Q.       Because most models can't  
18       support themselves and work full-time  
19       jobs?

20          A.       Right.

21          Q.       Okay. We talked that it was  
22       obviously, it's very competitive and hard  
23       to become that one person that gets blown  
24       up and makes a lot of money like that,  
25       right?

1           A.       Yes.

2           Q.       But in your mind, fair to  
3 say -- were you working full time as a  
4 model at that point?

5           A.       That was my only, yes.

6           Q.       How many months did you stay  
7 there?

8           A.       I was only there for a couple  
9 of months.

10          Q.       And what jobs did you do?

11          A.       Modeling jobs, I was some extra  
12 in some commercial. We went to the  
13 Dolphin Stadium there.

14          Q.       Sorry.

15          A.       I know.

16          Q.       That's a very sore subject at  
17 the moment.

18          A.       I understand.

19          Q.       If I watch one more 45 to zero  
20 game, I am going to kill myself.

21          A.       But that was it. And I didn't  
22 get to see any of that because I -- I  
23 went from that studio apartment to a  
24 model apartment eventually.

25          Q.       Where?

1           A.       It was on the coast. I don't  
2 know the --

3           Q.       On the west coast of Florida?

4           A.       East.

5           Q.       On the east coast of Florida?

6           A.       Yes.

7           Q.       So on the Beach?

8           A.       On the Beach, yes.

9           Q.       Okay.

10          A.       Yeah.

11          Q.       And when you say model  
12 apartment, can you explain?

13          A.       So model apartment, the agency  
14 fronts the money for the apartment. I  
15 was another model in there.

16          Q.       Only one?

17          A.       Yes.

18          Q.       Consider yourself very lucky.

19          A.       I know, yes.

20          Q.       So you're in a model apartment.  
21 They pay for it.

22          A.       Yes.

23          Q.       They send you on a bunch of  
24 castings?

25          A.       Right.



1 Q. Anything happen?

2 A. No. And I booked that job,  
3 like I said, at Dolphin Stadium. I was  
4 an extra. It paid like \$250. I didn't  
5 get to see any of it because it all went  
6 to my expenses.

7 Q. So fair to say that before you  
8 shot with Bruce Weber in 2011, you had a  
9 few jobs, and after the same thing,  
10 right?

11 A. Right.

12 Q. Fair to say that your career  
13 was actually the same, never really took  
14 off?

15 A. Right. Exactly.

16 Q. So the shoot for French Vogue  
17 was January 7th, 2011?

18 A. It was in January, yeah. Yup.

19 Q. And then you did the  
20 Abercrombie shoot?

21 A. Correct.

22 Q. After the January 7th, the very  
23 next day you wrote an e-mail to Bruce  
24 Weber, right?

25 A. I believe so.

1 Q. Thanking him for an amazing  
2 experience and telling him it was a great  
3 time, yes?

4 A. Yes.

5 Q. Is this the e-mail that you  
6 sent to him? It's Exhibit 7.

7 (Ardolf Exhibit 7, Document  
8 Bates stamped LBBW 37400, was so  
9 marked for identification, as of this  
10 date.)

11 MR. FUDALI: This is Exhibit 7,  
12 this e-mail.

13 MS. WEINTRAUB: Yes.

14 Q. Is this the e-mail that you  
15 sent him? Yes?

16 A. Yes.

17 Q. And that was the day after  
18 you're claiming he touched you  
19 inappropriately, right?

20 A. Right.

21 Q. The next day, right after that  
22 inappropriate touching, you write him,  
23 what an amazing experience it is. And  
24 eight years later you claim that he  
25 touched you inappropriately and molested

1       you?

2                       MR. FUDALI:   Object to form.

3               Q.       Is that right?

4               A.       Yes.

5               Q.       Okay.   You also wrote to him  
6       that day that you hoped to shoot more  
7       with him down the road, didn't you?

8               A.       Yes.

9               Q.       And that's the day after you're  
10       claiming he molested you?

11              A.       Yes.

12              Q.       And you did shoot with him  
13       again, didn't you?

14              A.       Yes.

15              Q.       And you wanted to shoot with  
16       him again, didn't you?

17              A.       Yes.

18              Q.       And even though you claim that  
19       he molested you, you wanted to work with  
20       Bruce Weber?

21              A.       Well, now I knew what to avoid.

22              Q.       But nothing happened, did it,  
23       on the A&F shoot?   Did anything happen?

24              A.       No.

25              Q.       And there was nothing to avoid,

1 right?

2 MR. FUDALI: Objection to form.

3 Q. Because nothing happened? And  
4 you kept reaching out to him, didn't you?

5 MR. FUDALI: There were a few  
6 questions there.

7 MS. WEINTRAUB: Only three.  
8 Maybe four.

9 MR. FUDALI: I would ask that  
10 you break it down.

11 Q. By the way, you didn't produce  
12 that e-mail, did you?

13 A. I didn't even have it. I  
14 couldn't find it. All of the e-mails  
15 that you guys have, I deleted everything  
16 from the past because I was trying to get  
17 it out of my head.

18 Q. And when did you delete all of  
19 that?

20 A. Way before I ever talked about  
21 it with anyone.

22 Q. Can you be more specific?

23 A. It could have been two to three  
24 years after.

25 Q. But you didn't delete it right

1 away?

2 A. Right.

3 Q. Right?

4 A. Right.

5 Q. Because it didn't bother you?

6 MR. FUDALI: Object to form.

7 A. It bothered me.

8 Q. On February 6th, 2011 you did  
9 the A&F shoot with Bruce Weber as the  
10 photographer, right?

11 A. Yes.

12 Q. The shoot is not mentioned  
13 anywhere in this lawsuit, is it?

14 MR. FUDALI: Object to form.

15 Q. It's not in the complaint, is  
16 it?

17 MR. FUDALI: If you know.

18 A. I don't know.

19 Q. Did you read the complaint?

20 A. I know -- I thought it was  
21 listed somewhere. Not in the complaint  
22 itself but other documents. I thought it  
23 was labeled somewhere that I shot there.

24 Q. You were excited to go to the  
25 A&F shoot, weren't you?

1 A. Yes.

2 Q. As a matter of fact, you were  
3 lobbying Bruce to recommend you for  
4 something else from the get-go, weren't  
5 you?

6 A. What do you mean?

7 Q. Well, you said to Bruce right  
8 away in the hallway, you know, what other  
9 shoots do you have coming up, right?

10 A. Right.

11 Q. Because you're looking out for  
12 yourself?

13 A. Yeah.

14 Q. Right? And you want to take  
15 advantage of the fact that you're with  
16 this big photographer?

17 A. Yes.

18 Q. And you want to start a  
19 relationship, you want him to like you?

20 A. Yeah.

21 Q. You want to cultivate that  
22 relationship?

23 A. Yes.

24 Q. You write him the next day  
25 telling him how great this was, yes?

1 MR. FUDALI: Asked and answered.

2 A. Yes.

3 Q. You reach out to him many more  
4 times, correct?

5 A. We both reached out to each  
6 other, yeah, more so on my end. But  
7 there were times that he would call.

8 Q. By the way, you didn't tell  
9 your therapist that you did another photo  
10 shoot with Bruce Weber after the French  
11 Vogue shoot, did you?

12 A. I'm not sure.

13 Q. You told her you never saw him  
14 again, didn't you?

15 A. I don't believe so.

16 Q. By the way, were you aware that  
17 you were among a list of ten people that  
18 were sent to be considered for  
19 Abercrombie by Bruce Weber?

20 A. I didn't know how many people  
21 he sent.

22 Q. You knew that you weren't the  
23 only one though, right?

24 A. I was assuming so.

25 Q. In fact, didn't Bruce tell you,

1       when you asked him, didn't Bruce explain  
2       to you all he can do is recommend you for  
3       a job. That he doesn't control who gets  
4       hired by the brand client?

5                   MR. FUDALI: Object to form.

6           A.       I don't know.

7           Q.       You don't know? Do you know  
8       that to be true?

9           A.       Not sure.

10          Q.       You're not sure. So then is it  
11       your position that you don't know whether  
12       or not it's up to Bruce Weber to hire  
13       somebody or not?

14          A.       In my opinion?

15          Q.       Mm-mmm.

16          A.       I know he has power.

17          Q.       In your opinion, are you aware  
18       of the fact that he can only make a  
19       recommendation to a client and sometimes  
20       they follow it and sometimes they don't?

21                   MR. FUDALI: Object to form.

22          A.       I don't know if I agree with  
23       that.

24          Q.       Do you have any proof to the  
25       contrary?



1           A.       I do not.

2           Q.       Do you have any corroboration  
3 of what you're saying at all except that  
4 it's your opinion?

5           A.       It's what you sense. Other  
6 models have talked about it.

7           Q.       Who in particular, please?

8           A.       I mean, at the French Vogue  
9 shoot, for example. People were talking  
10 about how much, how much clout and power  
11 he has within the industry, you know. So  
12 things like that. Yeah, I might not have  
13 evidence of it, but you sense that.

14          Q.       Okay. So this was your sense  
15 when you were starting to model after  
16 just a few months, your sense was that he  
17 had the power to control a shoot, and you  
18 feel experienced enough to say that?

19                 MR. FUDALI: Object to form.  
20 Compound.

21          Q.       Is that what you're saying?

22                 MR. FUDALI: Multiple questions.

23                 You can answer all of them at  
24 once or try to answer them  
25 individually.

1 Q. Is that what you're saying?

2 A. I am saying he does have power  
3 over the photo shoots.

4 Q. Okay. I am asking you if it's  
5 your position that Bruce Weber controls  
6 hiring and firing models for a brand  
7 campaign, yes or no? You don't know, do  
8 you?

9 A. I don't have evidence. I don't  
10 have evidence.

11 Q. Okay. So is it fair to say  
12 that you don't know whether or not Bruce  
13 Weber has total control and can hire and  
14 fire models from a campaign brand shoot?

15 MR. FUDALI: Object to form.  
16 You can answer.

17 A. I don't have evidence, but I  
18 believe he could.

19 Q. What is that belief based on?

20 MR. FUDALI: Asked and answered.

21 A. I mean, how often do you see  
22 models in Abercrombie & Fitch photo  
23 shoots with tattoos? And he brought how  
24 many models with tattoos over at A&F  
25 shoot from French Vogue.

1 MS. WEINTRAUB: I am going to  
2 move to strike. I don't understand  
3 the answer and don't think it was  
4 responsive.

5 MR. FUDALI: I think it was  
6 responsive.

7 (Ardolf Exhibit 8, Document  
8 Bates stamped LBBW 37406, was so  
9 marked for identification, as of this  
10 date.)

11 Q. Were you aware that only two of  
12 the ten models that he suggested were  
13 even chosen to go to the casting for A&F?

14 A. I didn't know there was a  
15 casting. I never went to a casting.

16 Q. After the photo shoot in 2011,  
17 February 2011, you again wrote to Bruce  
18 Weber, right?

19 A. Yes.

20 Q. Were you lying to him?

21 A. About what?

22 Q. Did you mean what you wrote to  
23 him?

24 A. I don't remember what I wrote.

25 Q. After the French Vogue shoot

1       when you wrote to him, was that genuinely  
2       how you felt, that it was amazing, it was  
3       an amazing experience and you wanted to  
4       shoot again down the road?

5           A.       I was doing that basically to  
6       book another job. I didn't necessarily  
7       enjoy the experience, no.

8           Q.       So you lied to him?

9           A.       Right.

10          Q.       And you lied to him to get what  
11       you wanted?

12          A.       Yeah.

13                   (Ardolf Exhibit 9, Document  
14       Bates stamped LBBW 37442, was so  
15       marked for identification, as of this  
16       date.)

17          Q.       I am going to show you Exhibit  
18       9. It's another e-mail from 2/12/11 from  
19       you to -- from Josh Ardolf to Bruce Weber  
20       on February 12th. "Hey Bruce! The photo  
21       shoot was awesome, got some amazing  
22       shots! How have you been? Take care."

23                   Did you mean that or not?

24                   MR. FUDALI: Objection, which  
25       part?

1 MS. WEINTRAUB: All of it.

2 Q. Did you mean this e-mail when  
3 you wrote it or is it not true?

4 MR. FUDALI: You can break it  
5 down, if you would like.

6 Q. You can answer.

7 A. I mean, the Abercrombie & Fitch  
8 photo shoot, the experience itself was  
9 fun.

10 Q. Was it awesome?

11 A. Sure.

12 Q. Did you get some amazing shots  
13 or not?

14 A. I mean I probably lied about  
15 that, so between the French Vogue and  
16 Abercrombie shoot I gained probably  
17 10 pound. And I was just in a different  
18 mental state at that point. So I did  
19 not -- I mean, already didn't feel  
20 comfortable and, you know, and then you  
21 add on 10 pounds and I'm still breaking  
22 out and everything else.

23 Q. Did you lie to Bruce when you  
24 said you got some amazing shots or did  
25 you mean that? Is it true or not?

1           A.       I maybe felt like it, yes.  
2       Because I don't even think I received the  
3       photos yet, by that time.

4           Q.       Did you get some -- I mean, I  
5       just want to know if you were telling him  
6       the truth.

7           A.       Yes, I felt like they were good  
8       shots.

9           Q.       Okay. The shoots were three  
10       weeks apart. You're saying that you  
11       gained 10 pounds in those three weeks?

12          A.       Yes. I can do that.

13          Q.       You went on a cruise, right?

14          A.       Yes.

15          Q.       Right after the shoot or  
16       shortly after?

17          A.       Mm-mmm.

18          Q.       Yes? You have to say yes for  
19       the record or no.

20          A.       Yes.

21          Q.       And out of nowhere you just  
22       send Bruce pictures of yourself on the  
23       cruise, right?

24          A.       I don't remember.

25                   (Ardolf Exhibit 10, Document

1           Bates stamped LBBW 37446, was so  
2           marked for identification, as of this  
3           date.)

4           Q.       Let me show you Exhibit 10,  
5           March 13th, 2011, "Here you go," and it  
6           appears to be pictures from the cruise.  
7           Can you take a look at that.

8                   (Witness reviews document.)

9           A.       Okay.

10          Q.       So right, you're on a cruise  
11          and you're having fun and you send him  
12          pictures?

13          A.       Yes.

14          Q.       Okay. And that is two months  
15          after you claim he molested you, right?

16          A.       Yes.

17          Q.       You're sending Bruce pictures  
18          why?

19          A.       It was a theme. Every time  
20          like -- sorry, the French Vogue, yes, I  
21          did ask what job was coming up in the  
22          future. And he did say, you know,  
23          Abercrombie is one of them. You're a top  
24          candidate. Okay. Now we're onto the  
25          Abercrombie & Fitch photo shoot. Similar

1 happens there where, you know, we discuss  
2 it and --

3 Q. Did you do the breathing  
4 exercises then?

5 A. No.

6 Q. Did he touch you  
7 inappropriately?

8 A. No, no.

9 Q. The same similar things didn't  
10 happen there that you're claiming?

11 A. Sorry. As far as discussions.  
12 I asked, you know, what jobs are coming  
13 up in the future again. I can't remember  
14 the exact ones.

15 Q. Because again, you know, you  
16 wanted to get something from him?

17 A. Right.

18 Q. Okay. And you're asking him,  
19 you know, what's next, consider me,  
20 please, or whatever, right?

21 A. Right. And that's why I was  
22 keeping in contact. That's why I kept in  
23 contact with him.

24 Q. And what was Bruce's response  
25 to him?



1           A.       To the shoot?

2           Q.       When you say to him at  
3           Abercrombie, when you say to him what's  
4           next or you have anything else or --

5           A.       Yeah, you know, he brought up a  
6           couple of different jobs again. I can't  
7           recall what they are. I think one was  
8           Ralph Lauren. I can't remember exactly.

9           Q.       But didn't he tell you that he  
10          didn't even think that you were really a  
11          fit for Ralph Lauren?

12          A.       I don't remember that.

13          Q.       Okay. What did he say that you  
14          remember?

15          A.       That's it. That's all I  
16          remember.

17          Q.       What?

18          A.       That he said he had potentially  
19          a couple of jobs.

20          Q.       And you don't remember the  
21          specifics?

22          A.       No.

23          Q.       So you send him the pictures on  
24          the cruise, right?

25          A.       Right.

1 Q. And what is a mother agent?

2 A. A mother agent is basically an  
3 agent that, they get a percentage of your  
4 earnings, but they direct you to, as far  
5 as you should go with this agency, you  
6 should go with that one. They kind of  
7 help you put your portfolio together.  
8 They are just overseeing everything.

9 Q. You know, you're sending Bruce  
10 Weber pictures of you on a cruise. You  
11 sent him pictures from Alaska, right?

12 A. Probably.

13 Q. You're sending him personal  
14 things?

15 A. Yeah.

16 Q. And you're trying to be friends  
17 with him, right?

18 A. I don't know if I would say  
19 friend.

20 Q. What would you say?

21 A. Acquaintance.

22 Q. Okay. Were you trying to get  
23 him to help you?

24 A. Sure, yeah, he had power.

25 Q. So anyone who has power, you

1 use them?

2 MR. FUDALI: Object to form.

3 A. No.

4 Q. Were you trying to -- were you  
5 being genuine?

6 A. No, I wasn't.

7 Q. The whole thing was just a  
8 fraud? Yes?

9 A. I wasn't being truthful. Every  
10 time we got done discussing things,  
11 whether it was over the phone or in  
12 person or via e-mail or Skype or whatever  
13 it is, like, there was always a potential  
14 for me to book another job. So, yes, I  
15 am going to keep in contact with him. I  
16 am going to keep sending photos and  
17 making sure he doesn't forget about me  
18 and things like that.

19 Q. I mean, so you're sending him  
20 pictures like -- you say happy birthday  
21 from Josh Ardolf. You send him pictures  
22 of you dressed like in a banana suit,  
23 right?

24 A. Yes.

25 MR. FUDALI: Has that been

1 marked?

2 MR. ETRA: 11.

3 (Ardolf Exhibit 11, Document  
4 Bates stamped LBBW 37214, was so  
5 marked for identification, as of this  
6 date.)

7 A. Yes.

8 Q. This is not to cultivate a  
9 relationship or be genuine or sincere.  
10 This is strictly because you want him to  
11 think of you and you want to use his  
12 power to give you a job?

13 MR. FUDALI: Object to form.

14 A. Yes.

15 Q. How did you feel when he wasn't  
16 giving you any jobs then? Were you  
17 angry?

18 A. I wouldn't say angry. I don't  
19 know. I guess, disappointed, I guess.

20 Q. So you e-mail him in April and  
21 you say "Hey, Bruce, how are you doing.  
22 We have to catch up. I've had some plan  
23 changes. Are the pictures done by  
24 chance?"

25 Because again you're asking him

1 for something, you're asking him to send  
2 you pictures?

3 MS. WEINTRAUB: Exhibit 12.

4 MR. FUDALI: Hold on, what's the  
5 question?

6 (Ardolf Exhibit 12, Document  
7 Bates stamped LBBW 37471, was so  
8 marked for identification, as of this  
9 date.)

10 Q. You're asking him to send you  
11 pictures?

12 A. Yes, so these are I am assuming  
13 from the Abercrombie & Fitch shoot?

14 Q. Correct.

15 A. Yes, I asked him.

16 Q. And you ask him again after  
17 that, I can't wait to see the bigger  
18 files and the pictures will really help  
19 your portfolio, right?

20 A. Yeah.

21 Q. So again you're just asking him  
22 to keep helping you?

23 A. Right.

24 Q. In May 2011 you wrote to Bruce  
25 that you shot a television pilot. Is

1       that true?

2           A.       Yes.

3           Q.       And in May 2011 you send Bruce  
4       some updated pictures of yourself?

5           A.       I'm not sure. That's possible.

6           Q.       And you would agree that by May  
7       2011, that's four months after you claim  
8       that he touched you, right?

9           A.       Yeah.

10          Q.       And you're reaching out to him  
11       regularly, sending him e-mails, pictures,  
12       right?

13          A.       Yes.

14          Q.       Okay. And you're pursuing him,  
15       basically, right?

16                   MR. FUDALI: Object to form.

17          A.       Pursuing him how, what do you  
18       mean?

19          Q.       You're the initiator, whether  
20       it's e-mail, text, or phone, you're the  
21       one who reaches out first because you're  
22       the one who wants something, right?

23          A.       Right. But he, I mean, there  
24       were times that he also reached out to me  
25       first. But it was between our

1       conversations.

2           Q.       I mean four years of, after you  
3       claim the assault, I mean, in between  
4       you're basically begging him to do  
5       another shoot with him all the time, that  
6       was your goal?

7           A.       Yes.

8           Q.       And you're asking his opinion  
9       on everything from should you keep your  
10      chest hair, should you cut your head  
11      hair?

12          A.       Yes.

13          Q.       You're looking for advice from  
14      him for style, right?

15          A.       Yeah.

16          Q.       You talk to him about college,  
17      yes?

18          A.       I don't know. I don't remember  
19      all the conversations we had in detail.

20          Q.       You write to him in June 2011,  
21      "Hey, Bruce, thank you very much for  
22      getting these amazing images to me." Do  
23      you mean that?

24          A.       Personally, I probably didn't.

25          Q.       So, I mean --

1           A.       But they are amazing because  
2       they are shot by him.

3           Q.       Okay. So are you glad to have  
4       them? Is this true or not true?

5           A.       Yes, I was definitely glad to  
6       have them. I wasn't pleased with my body  
7       image.

8           Q.       You said "I have some new plans  
9       to run by you. Hopefully we can Skype  
10      soon or talk over the phone. Would like  
11      to hear your opinion on it. Thanks."

12          A.       Yeah, I don't know what that --

13          Q.       I mean are you seeking his  
14      opinion on different things all the time?

15                 MS. WEINTRAUB: That's Exhibit  
16      13.

17                 (Ardolf Exhibit 13, Document  
18      Bates stamped LBBW 37506, was so  
19      marked for identification, as of this  
20      date.)

21          Q.       Is that right?

22                 MR. FUDALI: What's the  
23      question, if he was seeking his  
24      opinion?

25                 MS. WEINTRAUB: Yeah.



1           A.       I don't know what I was trying  
2       to imply as far as plans or ideas, I  
3       don't know what that was about.

4           Q.       The bottom line is whatever  
5       your plans and ideas were that were going  
6       on, you wanted to run it by him and get  
7       his opinion, didn't you?

8           A.       Yeah, to a certain extent.

9           Q.       Now you claim -- sorry.

10          A.       To a certain extent, yes.

11          Q.       Is that to a certain extent now  
12       after you filed this lawsuit or --

13                   MR. FUDALI: Object to the form.

14          A.       So, I don't know.

15          Q.       You make it seem like this was  
16       all in furtherance of just using him. Is  
17       that really true?

18          A.       During the process, during all  
19       these conversations.

20          Q.       You had no feelings for Bruce  
21       Weber as a friend or a mentor?

22          A.       No.

23          Q.       You didn't really want his  
24       opinion on anything? Everything you were  
25       asking him was a lie?

1 MR. FUDALI: Hold on, hold on.  
2 Which question do you want him to  
3 answer?

4 MS. WEINTRAUB: The last one.

5 MR. FUDALI: The one about the  
6 lies. Could you repeat it, please.

7 A. Yes, sorry.

8 Q. Everything that you were  
9 sending him, all of your asking for  
10 advice and help, that was all a lie and a  
11 ruse?

12 A. Yes. All the phone  
13 conversations we had with breathing  
14 exercises, I was faking it.

15 Q. Everything that you were  
16 sending him and asking him for advice and  
17 asking for his opinion, you're saying  
18 that was all just a lie?

19 A. I am not saying what I -- I  
20 mean I said it as far as like an  
21 opportunity to book another job.

22 Q. Okay. All the other things  
23 were just --

24 A. Just so he wouldn't forget  
25 about me.

1           Q.       But it was also a ruse. You  
2       sent him happy Memorial Day. There was a  
3       hurricane coming, I hope you're well.  
4       You didn't care, you didn't mean any of  
5       that?

6           A.       Right.

7           Q.       So my point is, you're saying  
8       all of these things, but you don't really  
9       mean them?

10          A.       No.

11          Q.       Yes?

12          A.       Yes.

13          Q.       It's all like a deception to  
14       get you a job?

15          A.       Right.

16                   (Ardolf Exhibit 14, Document  
17       Bates stamped LBBW 37509, was so  
18       marked for identification, as of this  
19       date.)

20          Q.       Okay. In July you're sending  
21       Bruce pictures, Exhibit 14, "After my  
22       workout, my abs are sore. I have to get  
23       my hair trimmed." Right? You remember  
24       all of these?

25          A.       Yes.

1           Q.       In July you send him -- Tieg  
2       Van-Holland took pictures of you?

3           A.       Yes.

4           Q.       Nude pictures?

5           A.       Yes.

6           Q.       And I don't mean to be  
7       offensive, but some people think that a  
8       nude picture is dirty or -- you don't  
9       think that, right?

10          A.       I mean it's an art, I guess,  
11       you know.

12          Q.       I mean, you were proud of these  
13       pictures, weren't you?

14          A.       Yeah. Yeah, I was.

15          Q.       And these are beautiful nude  
16       pictures, yes?

17          A.       Yeah.

18          Q.       You don't look at it, like, oh,  
19       my penis is exposed in this, looking at  
20       LBBW 37521, do you?

21          A.       No.

22          Q.       You look at it as a full body  
23       shot, right?

24          A.       Right.

25                 MS. WEINTRAUB: This is Exhibit

1 15.

2 (Ardolf Exhibit 15, Document  
3 Bates stamped LBBW 37516, was so  
4 marked for identification, as of this  
5 date.)

6 Q. So this is an e-mail from you  
7 to Bruce Weber, August 5th, 2011. "Hey  
8 Bruce, here is some recent pictures I  
9 have done! I have gotten these so far,  
10 there are better ones coming soon and I  
11 will send you those also. Hope all is  
12 well."

13 And they are pictures of you  
14 with your hand on your penis, right?

15 A. Mm-mmm.

16 Q. Yes?

17 A. Yeah.

18 Q. That's 37521. You with your  
19 hands and pubic hair showing, 37522. And  
20 I am just describing it.

21 A. No, that's fine.

22 Q. 37523, a naked shot of your  
23 butt. 37524 --

24 MR. FUDALI: Was this marked,  
25 sorry?

1 MS. WEINTRAUB: Yes, it is.

2 Q. The bottom line is, nobody --  
3 Bruce Weber isn't telling you how to pose  
4 for these?

5 A. No.

6 Q. He wasn't taking them?

7 A. No, Tieg was.

8 Q. And this is six, seven months  
9 after you claim that Bruce Weber  
10 assaulted you, you're sending him nude  
11 pictures of yourself, yes?

12 A. Yes.

13 Q. You're sending him these nude  
14 pictures six months after you claim he  
15 assaulted you and you claim you were  
16 traumatized by what he did, right?

17 MR. FUDALI: Object to form.

18 Q. Yes?

19 MR. FUDALI: Which question?

20 Q. Do you claim he traumatized  
21 you?

22 A. Yes, I think he affected me.

23 Q. No, I asked you if he  
24 traumatized you.

25 A. Overall, yes.

1           Q.       Okay. So you're sending the  
2 person that traumatized you nude  
3 pictures, yes?

4           A.       Yes.

5           Q.       And you were thinking you just  
6 want to do more shoots with Bruce Weber,  
7 nude as well?

8                   MR. FUDALI: Object to form.

9           Q.       Yes?

10          A.       Not necessarily.

11          Q.       Were you going to limit it?

12          A.       I mean, yeah, it's expected.

13          Q.       But you didn't have a problem  
14 with it, you were comfortable, weren't  
15 you?

16          A.       As long as I knew my line.

17          Q.       Let me ask you this. When you  
18 shot nude with Tieg Holland, you didn't  
19 have any fear or -- you weren't scared  
20 he's going to molest you?

21          A.       No.

22          Q.       Nor when you did any of the  
23 other photographs, correct?

24          A.       Which ones?

25          Q.       After Bruce Weber. You weren't

1       so scared of anything that you didn't  
2       work?

3             A.       Right.

4             Q.       Okay. By the way, you were  
5       sending these nude pictures to Bruce  
6       Weber six months after he touched you  
7       inappropriately, according to you, and he  
8       never asked you to send him any of these  
9       pictures, did he, ever?

10            A.       I would have to see all the  
11       e-mails, I guess.

12            Q.       Well, you didn't produce any of  
13       them. From the e-mails we do see and you  
14       reviewed them. You reviewed them, right?

15            A.       I didn't review all of them.

16            Q.       Did you only review some of  
17       them?

18            A.       Maybe. Maybe I glanced over a  
19       few.

20            Q.       Sorry?

21            A.       Maybe I glanced over a few.

22            Q.       Okay. Well, I'm only -- the  
23       truth is that I am only allowed a certain  
24       amount of time and I'm rushing as it is.  
25       So I don't want to take the time to go



1 over every single e-mail with you. But  
2 you have that production if you wanted to  
3 review it.

4 A. Yeah.

5 Q. And I think you would be pretty  
6 hard pressed, wouldn't you agree, Bruce  
7 Weber never asked you to send nude  
8 photographs, right?

9 A. I disagree.

10 Q. What?

11 A. I don't agree.

12 Q. You don't agree that he didn't  
13 ask you --

14 A. On paper maybe. Via phone it's  
15 different.

16 Q. Are you saying that because  
17 there is no record of it so it's easy to  
18 make up?

19 MR. FUDALI: Object to form.

20 A. No.

21 Q. In August you even had the  
22 nerve to ask Bruce if he would look at a  
23 friend's script for television for you?

24 MR. FUDALI: Object to form.

25 A. I know he had experience in

1 film.

2 Q. And you were asking him to help  
3 your friend, right?

4 A. Yeah.

5 (Ardolf Exhibit 16, Document  
6 Bates stamped LBBW 37546, was so  
7 marked for identification, as of this  
8 date.)

9 Q. August 12th, 2011, "Hey, Bruce,  
10 I was wondering if you would have time to  
11 look at one of my best friend's scripts.  
12 He's mainly looking for feedback. It's a  
13 great comedic script for TV. Thanks a  
14 lot, Bruce. XX."

15 Do you remember sending that?

16 A. Yes.

17 Q. I mean, isn't the truth that  
18 you were looking for his help and his  
19 guidance?

20 A. In the industry, yes, he had a  
21 lot of power.

22 Q. I need to know whether you were  
23 looking for guidance for real or this is  
24 a lie also, you're just keeping up the  
25 conversation, all is a deception?

1           A.       Well, this I was trying to help  
2 my friend directly.

3           Q.       So you just figured you would  
4 use Bruce?

5           A.       Right.

6           Q.       When you said to Bruce before  
7 that you would send him more pictures two  
8 days later, you wrote "Hey, Bruce, here  
9 are some recent pictures I have done. I  
10 have gotten all of these so far. There  
11 are better ones coming, I'll send you  
12 those. Thanks."

13                   Then you send what has now been  
14 marked as Composite 17.

15                   (Ardolf Exhibit 17, Document  
16 Bates stamped LBBW 37536, was so  
17 marked for identification, as of this  
18 date.)

19           Q.       It says "Three more for you,  
20 maybe more soon!" And these are three  
21 pictures of you holding your penis,  
22 right?

23           A.       Yeah.

24           Q.       And these were not pictures  
25 taken by Bruce Weber, right?

1 A. Yes.

2 Q. These are pictures that you  
3 sent to Bruce Weber unsolicited, correct?

4 A. Yes.

5 Q. You're saying to him, look, on  
6 August 5th, 2011 you're saying, here are  
7 three more I got. I just want you to see  
8 them?

9 A. Yes.

10 Q. And that's eight months after  
11 you claim he molested you, you're sending  
12 him another set of nude photographs  
13 unsolicited, yes?

14 A. Yes.

15 Q. And those photographs are taken  
16 by Peter Brown, yes, or are those  
17 different photographs?

18 A. No, those are taken by Tieg.

19 Q. Okay.

20 A. Peter Brown, those are  
21 different. Yeah, those are it.

22 Q. This is Peter Brown?

23 A. Yes.

24 Q. In between you write to Bruce  
25 October 1st, 2011, "Hey, Bruce, I will be

1 out in New York City on October 4th until  
2 early December. Hopefully we can meet up  
3 before you head to the nice weather of  
4 Miami. Hope Milan is going great. Safe  
5 travels, talk soon. XX."

6 Is that from you?

7 A. Mm-mmm.

8 MR. FUDALI: Yes?

9 THE WITNESS: Yes.

10 MS. WEINTRAUB: That's 19.

11 (Ardolf Exhibit 18, Document  
12 Bates stamped LBBW 37549, was so  
13 marked for identification, as of this  
14 date.)

15 (Ardolf Exhibit 19, Document  
16 Bates stamped LBBW 37548, was so  
17 marked for identification, as of this  
18 date.)

19 Q. So you're writing to him ten  
20 months after you claim he molested you  
21 telling him you're going to be in New  
22 York for three months and hoping to meet  
23 up with him, right?

24 A. Yes.

25 Q. That never happened though, did

1       it?

2           A.       No.

3           Q.       He never called you and said,  
4       hey, Josh, come over?

5           A.       No.

6           Q.       He never called up and said,  
7       hey, I would just like to catch up with  
8       you?

9           A.       No.

10          Q.       He never called you and said, I  
11       would like to shoot you again?

12          A.       No.

13          Q.       He doesn't see you when you  
14       come to New York, does he?

15          A.       No.

16          Q.       But a month after you write to  
17       him, "What do you think, Bruce, most  
18       recent test shot by Peter Brown, number  
19       18." And you send him another picture.

20          A.       Yes.

21          Q.       Would you agree it seems like  
22       you're almost relentlessly pursuing him  
23       with pictures, with e-mails, right?

24                   MR. FUDALI: Object to form.

25          Q.       You have a goal and you want to

1 get there?

2 A. Right, yeah. I wanted to book  
3 more jobs.

4 Q. And that was your goal?

5 A. Right.

6 Q. And you were going to do  
7 whatever it took to get there?

8 A. Not necessarily.

9 Q. Well, you were going to do what  
10 you thought you could do to get there?  
11 Isn't that why you were sending all of  
12 these e-mails?

13 A. Yeah.

14 Q. And isn't that why you were  
15 sending him the pictures? Yes?

16 A. Right.

17 Q. But he's never responding to  
18 them saying, wow, you look fabulous,  
19 come, we'll do another shoot, is he?

20 A. No.

21 Q. And you're getting really upset  
22 about that?

23 A. Yeah.

24 Q. In November 2012 you write to  
25 Bruce that you still want to focus on

1 modeling and acting, which is always in  
2 the back of your mind and you're never  
3 giving up, right?

4 A. I don't know.

5 Q. I'm sorry, February 24th, 2012,  
6 right?

7 A. I haven't seen the e-mail.

8 (Ardolf Exhibit 20, Document  
9 Bates stamped LBBW 37565, was so  
10 marked for identification, as of this  
11 date.)

12 Q. Let me show you Exhibit 20 for  
13 the record. "Hey, Bruce, so anyway,  
14 school has been going good. It is nice  
15 to see my old friends again and spend  
16 time with them. Although it's been hard  
17 getting back into school mode."

18 I mean, you're talking to him  
19 or you're just really good at deceiving  
20 him, I don't know which it is, right?

21 A. No.

22 Q. To let him think that, you  
23 know, you really looked to him as a  
24 mentor, right, you're just deceiving him,  
25 or trying to?



1 MR. FUDALI: Object to form.

2 A. I am just trying to keep in  
3 contact with him.

4 Q. You write "I still really want  
5 to focus on modeling, acting. I am never  
6 giving up." Right?

7 A. Right.

8 Q. And then you wrote "I am hoping  
9 to get out to New York City this summer,"  
10 right?

11 A. Yes.

12 Q. And then you wrote "I have to  
13 seriously think about either Europe or  
14 L.A., a different market may be the best  
15 thing which I won't know until I try"?

16 A. Yeah.

17 Q. Right?

18 A. Yes.

19 Q. Because that's a very popular  
20 alternate route for a model that can't  
21 get picked up in the United States, they  
22 go -- or New York. They go to Europe  
23 often?

24 A. Yes, or Asia, yes.

25 Q. Or even New York models try an

1 L.A. market, which is completely  
2 different, yes?

3 A. Yes.

4 Q. And that's where you said that  
5 you would have to consider those?

6 A. Yes.

7 Q. Did you do any of that?

8 A. I did not.

9 Q. I mean you were saying that you  
10 were going to do that because you knew  
11 that that would help further your career,  
12 right?

13 A. That was my hope.

14 Q. Right. But you didn't take  
15 those steps to do that?

16 A. No.

17 Q. To further your career?

18 A. No, I didn't move, I didn't  
19 move to Europe or L.A.

20 Q. And you didn't consider trying  
21 to do any of that, which are some of the  
22 things that models have to do that can't  
23 make it in the U.S.?

24 A. Right.

25 Q. That wasn't Bruce Weber's

1       fault, was it?

2           A.       I am not blaming that on him.

3           Q.       Okay. You're not blaming it on  
4 him that you weren't picked up by other  
5 clients?

6           A.       Right.

7           Q.       And you're not blaming him that  
8 your career didn't take off? He gave you  
9 the best shot of anybody?

10          A.       Yeah.

11          Q.       Right?

12          A.       Yes.

13          Q.       And for the next two years  
14 there are pictures, e-mails, hi, Bruce,  
15 how are you doing, just sending you some  
16 pictures, right? Hope the weather is  
17 nice in Miami.

18          A.       Yeah.

19          Q.       You send him more nude pictures  
20 on January 15th, 2013. "Just want to  
21 give you an update. Hope all is well."

22                   (Ardolf Exhibit 21, Document  
23 Bates stamped LBBW 37605, was so  
24 marked for identification, as of this  
25 date.)

1 Q. Right?

2 A. Yeah.

3 MS. WEINTRAUB: That's Exhibit  
4 21.

5 Q. And that's you in the nude  
6 sending him again updated body shots,  
7 you're holding your penis in one, yes?

8 A. Yes.

9 Q. Provocative shot on 37609?

10 A. Yes.

11 Q. And you're sending these  
12 provocative nude shots to Bruce Weber,  
13 January 15th, 2013, the person that you  
14 claim molested you two years earlier,  
15 right?

16 A. Yes.

17 Q. In June 2013, which is two  
18 years since your claim, you write to  
19 Bruce Weber, "Hope you're doing good  
20 health-wise. I miss the model  
21 lifestyle."

22 Do you remember that?

23 A. I believe so, yeah.

24 Q. "Thank you so much for giving  
25 me the opportunities that you did. I

1 will never forget them and will always  
2 treasurer them." Remember writing that?

3 A. I don't.

4 Q. You wrote "I might go to Miami  
5 over the winter actually."

6 He writes "You look great in  
7 Montauk and in the City. All my best to  
8 you, Bruce."

9 And then you write "I took this  
10 shot yesterday" and you send him another  
11 picture. Exhibit 22.

12 (Ardolf Exhibit 22, Document  
13 Bates stamped LBBW 37620, was so  
14 marked for identification, as of this  
15 date.)

16 Q. Do you see that?

17 A. Mm-mmm.

18 Q. Yes?

19 A. Yes.

20 Q. The opportunities that you're  
21 talking about were the French Vogue  
22 shoot, right, and the Abercrombie shoot,  
23 right?

24 A. Yes.

25 Q. Because those were the two best

1 shots that could have -- that did give  
2 you the exposure and could have, if it  
3 was meant to be, propel your career?

4 A. Yes.

5 Q. The fact that it didn't take  
6 off had nothing to do with Bruce?

7 A. No.

8 Q. You said that you would  
9 treasurer those opportunities, right?

10 A. Yeah, I did.

11 Q. "I will never forget them and  
12 always treasurer them," you wrote. Was  
13 it true? Did you mean that?

14 A. I mean if you separate it out  
15 with just the shoot, just the shoot,  
16 yeah. Like that was a good experience.  
17 But everything else wasn't.

18 Q. It was the only -- the best  
19 opportunity you had for your whole  
20 career, wasn't it?

21 A. Yeah.

22 Q. So you wrote you treasured it.  
23 Now you're trying to back out of it  
24 because you think it looks bad, right?

25 MR. FUDALI: Object to form.

1 Jayne -- no, you don't have to answer  
2 that question. I direct you not to  
3 answer.

4 Q. You say "I miss the model  
5 lifestyle"?

6 A. Which I did. That's probably  
7 true.

8 Q. So some things you wrote to him  
9 are true, some things are not true.  
10 Right?

11 A. Yes.

12 Q. But the whole thing is it was  
13 all deceptive on your part?

14 MR. FUDALI: Objection. Asked  
15 and answered.

16 You can answer again if you have  
17 a different --

18 Q. Even this.

19 A. I don't know.

20 Q. So two years after you claim he  
21 molested you, you're writing to him you  
22 missed the model lifestyle. You  
23 treasured the opportunities he gave you.  
24 And this is a person that you now claim  
25 eight years later molested you, right?

1 MR. FUDALI: Objection.

2 Compound. Asked and answered.

3 Q. Yes?

4 MR. FUDALI: Hold on, hold on.

5 A compound question. Multiple  
6 questions in there. It's also asked  
7 and answered.

8 Q. You can answer.

9 MR. FUDALI: If you can.

10 A. I mean, yes. Yeah.

11 Q. In August 2013 you wrote to  
12 Bruce and you said, you just got  
13 certified as a claims adjuster, right?

14 A. Yeah.

15 Q. In 2013 Bruce Weber writes back  
16 to you, he writes "Congratulations, you  
17 do look great."

18 A. I haven't seen the e-mail. I  
19 don't know.

20 MR. FUDALI: Are you doing okay?  
21 Do you need to take a break for any  
22 reason?

23 THE WITNESS: I'm good.

24 MR. FUDALI: Jayne, just  
25 logistically, are we breaking for



1 lunch at some point? Like is lunch  
2 ordered?

3 MS. WEINTRAUB: Off the record.  
4 (Off the record.)

5 MS. WEINTRAUB: So to your  
6 whatever, inquiry or question about  
7 lunch, I am just going to ask a couple  
8 more questions and we will break.

9 MR. FUDALI: Sure.

10 MS. WEINTRAUB: And then I would  
11 like to break for lunch for just --

12 MR. FUDALI: 20?

13 MS. WEINTRAUB: Perfect.

14 Q. So you're sending Bruce Weber  
15 these pictures. It's going on for two,  
16 three years, right?

17 A. Yeah.

18 (Ardolf Exhibit 23, Document  
19 Bates stamped LBBW 37216, was so  
20 marked for identification, as of this  
21 date.)

22 Q. Three years actually. Maybe  
23 more. December 2015 you send him Merry  
24 Christmas. I guess it's in the shower.  
25 It's a cutoff photo, right?

1           A.       Right.

2           Q.       You say "I hope all is well. I  
3 just did a five-page spread in the  
4 Minnesota Bride Magazine. I will send  
5 you photos. They turned out amazing."  
6 Right?

7           A.       Yeah.

8                   MS. WEINTRAUB: I need to find  
9 something. So we will break for  
10 lunch.

11                   THE VIDEOGRAPHER: Going off the  
12 record at 12:17 p.m. This marks the  
13 end of media 2.

14                   (Lunch recess: 12:17 p.m.)  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1                                   Afternoon Session

2                                   1:03 p.m.

3                   THE VIDEOGRAPHER:   Back on the  
4                   record at 1:03 p.m., this marks the  
5                   beginning of media 3.

6       J O S H U A    A R D O L F,   having been  
7       previously duly sworn, was examined and  
8       testified further as follows:

9       EXAMINATION (Continued)

10      BY MS. WEINTRAUB:

11           Q.       Josh, when is the first time  
12           that you went to therapy?

13           A.       2017, the fall of 2017, I  
14           believe.

15           Q.       Is that when you went with your  
16           wife?

17           A.       Yes.

18           Q.       And did you see Jessica?

19           A.       Yes.   Yup.   We both did.

20           Q.       Sorry?

21           A.       Yeah, we both did.   We both  
22           like, it was couples.   And then --

23           Q.       Okay.   Did you at any time  
24           discuss this case with Heather in those  
25           sessions?

1 A. Yes.

2 Q. Okay.

3 MS. WEINTRAUB: On the record,  
4 Mr. Fudali, I have to advise you that  
5 the only records, and I asked a  
6 thousand times in writing, the only  
7 records that we have been provided  
8 were the records of when he went  
9 alone. I specifically asked for the  
10 records of the couples therapy and you  
11 had declined to provide them and  
12 stated that they were not relevant.

13 MR. FUDALI: My position is they  
14 are not relevant.

15 MS. WEINTRAUB: They discussed  
16 it.

17 MR. FUDALI: If you want to make  
18 sure that's clarified on the record.

19 MS. WEINTRAUB: I did.

20 MR. FUDALI: Okay. Maybe if you  
21 want to -- okay.

22 MS. WEINTRAUB: Now what?

23 MR. FUDALI: I'm not sure it's  
24 adequate. If you want to get further  
25 clarification that this case or what

1           happened with Bruce Weber was actually  
2           discussed specifically during those --

3           MS. WEINTRAUB:   Didn't you just  
4           say that?

5           MR. FUDALI:   -- during those  
6           sessions, I can reevaluate.

7           A.       I don't know what was  
8           specifically discussed, but she knew  
9           about everything prior to that anyway.

10          Q.       She being Jessica or Heather?

11          A.       Yes, Heather, my wife.

12          Q.       I am not talking about that.   I  
13          am talking about -- strike that.

14                   Did you discuss in couples  
15          therapy anything about this legal case?

16          A.       It was brought up.

17                   MS. WEINTRAUB:   So with that  
18          said, I am going to make a demand from  
19          your lawyers that I want those  
20          records.   Also in your release it  
21          specifically says that your family is  
22          not allowed to get those records.   So  
23          I am going to reserve time in the  
24          deposition to question you again once  
25          I get those records about them.

1 Do you have an objection to that  
2 based on him saying that they  
3 discussed it? Even you can't come up  
4 with something.

5 MR. FUDALI: I am sure I can  
6 come up with something. I do not have  
7 an objection to it based on  
8 Mr. Ardolf's statements on the record  
9 here to get those records. I am not  
10 saying that I am willing to provide  
11 the entirety of those records. There  
12 may be irrelevant information. But  
13 insofar as those records do discuss  
14 this lawsuit, I believe we will  
15 produce those.

16 MS. WEINTRAUB: For purposes of  
17 the next set of questions, I think it  
18 would just be easier if I mark the  
19 Plaintiffs 270 to 321 and 456 to 467  
20 as one composite exhibit. These are  
21 the records that we have been provided  
22 by -- how do you pronounce her name?

23 THE WITNESS: I believe it's  
24 Auel.

25 Q. What do you call her?

1           A.       I just call her Jessica. I  
2       never bring up the last name.

3           Q.       So I am going to provide that  
4       to your lawyer, and as we go through  
5       them, it will just be easier to pull up  
6       whatever.

7                   MR. FUDALI: This is the one  
8       copy for both of us?

9                   MS. WEINTRAUB: What?

10                  MR. FUDALI: One copy for both  
11       of us.

12                  MS. WEINTRAUB: Yeah.

13                   (Ardolf Exhibit 24, Document  
14       Bates stamped Plaintiffs 270 to 321  
15       and 456 to 467, was so marked for  
16       identification, as of this date.)

17           Q.       So the first time that you went  
18       to see Jessica by yourself was  
19       November 26th, 2018; is that right? It's  
20       on 274. And the date is up here.

21           A.       Okay.

22           Q.       Right?

23           A.       Yeah.

24           Q.       Is that a yes?

25           A.       Yes.

1 Q. And just so the record is  
2 clear, what's the name of the therapist  
3 that you were seeing?

4 A. Jessica Auel.

5 Q. And she's from where?

6 A. Originally?

7 Q. What's her -- she's a marriage  
8 and family therapist?

9 A. Yeah, sorry, the company, yes.  
10 Mankato Marriage & Family Therapy Center.

11 Q. And you first went to see her  
12 November 26th, 2018. Had you ever seen  
13 anyone from The Bloom Firm?

14 A. Had I met them?

15 Q. By that time, by the time that  
16 you went 11/26/2018, had you seen any  
17 lawyer about this lawsuit?

18 A. I believe so.

19 Q. And who was it, by the way,  
20 that you did see?

21 A. I'm not sure exactly. I spoke  
22 with somebody.

23 Q. On the phone?

24 A. Yeah. Or via e-mail normally.

25 Q. Did you ever -- we'll get to it



1 later. When did you get married?

2 A. 2016.

3 Q. When did you go to couples  
4 counseling?

5 A. Started in 2017 fall.

6 Q. How many times did you go?

7 A. I'm not sure of the exact  
8 number.

9 Q. And we're talking about the  
10 therapist, you said Jessica Auel,  
11 A-u-e-l?

12 A. Yeah.

13 Q. Who suggested that you see a  
14 therapist in 2018?

15 MR. FUDALI: I am going to  
16 instruct you not to answer the  
17 question if in fact the person -- I  
18 don't know -- well, you can answer the  
19 question insofar as it does not waive  
20 attorney/client privilege.

21 A. My wife.

22 MR. FUDALI: There you go.

23 Q. Did any of the other Plaintiffs  
24 suggest it to you?

25 MR. FUDALI: I am going to

1 object to that. If a conversation  
2 took place -- before everyone makes  
3 their faces and looks, this is the  
4 exact same objections you guys have  
5 been making this entire time.

6 MR. ETRA: I disagree. Just  
7 make the objection.

8 MR. FUDALI: The objection is if  
9 you had a conversation with the  
10 Plaintiffs and your attorneys present,  
11 then I am going to instruct you not to  
12 answer that question, if that's the  
13 answer to the question.

14 MS. WEINTRAUB: So I will break  
15 it down because in case you didn't  
16 hear, I didn't say anything about  
17 attorneys. I said the Plaintiffs.

18 MR. FUDALI: But if that  
19 conversation took place with the  
20 Plaintiffs and attorneys in some sort  
21 of meeting with all of them that would  
22 be protected by attorney/client  
23 privilege, and I am sure no one  
24 disagrees with that.

25 A. No. The answer is no.

1 MR. FUDALI: That makes it  
2 easier.

3 Q. Did you participate in meetings  
4 with more than yourself, another  
5 Plaintiff present, with the lawyers?

6 MR. FUDALI: I am going to  
7 instruct him not to answer that based  
8 on attorney/client privilege.

9 MS. WEINTRAUB: What's the  
10 privilege whether or not you were  
11 together?

12 MR. FUDALI: If you really want  
13 that answer, you can bring it up with  
14 the judge, but I am instructing him  
15 not to answer based on attorney/client  
16 privilege.

17 Q. How many times were there  
18 meetings with all of you together?

19 MR. FUDALI: I am going to  
20 instruct him not to answer based on  
21 attorney/client privilege. You guys  
22 objected to talking about documents  
23 that may have been viewed in front of  
24 an attorney.

25 MR. BROWN: The question was did

1           you participate. There was no  
2           question about what was said.

3           MR. FUDALI: I instruct him not  
4           to answer. If you guys want to take  
5           this up with the court.

6           MR. ETRA: If we keep asking  
7           other questions, it will be the same  
8           instruction?

9           MR. FUDALI: Correct. And for  
10          the record, I was usually much more  
11          lenient on this, but last time with  
12          Bruce, he wasn't allowed to say what  
13          documents he viewed.

14          MR. BROWN: For your client's  
15          sake so he doesn't have to come back,  
16          I would ask you to listen to what the  
17          question was, because it was did you  
18          participate. I don't see how that --

19          MS. WEINTRAUB: How about a yes  
20          or no answer?

21          MR. FUDALI: I am going to  
22          instruct him not to answer based on  
23          attorney/client privilege.

24          Q. Did you talk to any of the  
25          other Plaintiffs without a lawyer

1 present? Without a lawyer?

2 MR. FUDALI: I am going to  
3 object if the answer would reveal  
4 something that was at the direction of  
5 an attorney. For instance, when that  
6 same question was asked of  
7 Mr. Bernstein, he was instructed not  
8 to answer insofar as perhaps he was  
9 instructed to speak to someone. I  
10 believe that Dawn Tomassone was  
11 instructed not to answer that exact  
12 question.

13 MS. WEINTRAUB: She's not a  
14 party. I am asking a party if they  
15 spoke with another party.

16 MR. FUDALI: Okay. I asked Dawn  
17 Tomassone if she had spoken to  
18 Mr. Bernstein.

19 MS. WEINTRAUB: You can make  
20 your objection. Are you telling him  
21 not to answer?

22 MR. FUDALI: Yes.

23 MS. WEINTRAUB: You're  
24 instructing him not to answer whether  
25 or not he spoke with another

1 Plaintiff --

2 MR. FUDALI: No.

3 MS. WEINTRAUB: -- without  
4 lawyers present?

5 MR. FUDALI: If the conversation  
6 was at the instruction of attorneys,  
7 then I am instructing you not to  
8 answer. If independently you had a  
9 conversation with any of the  
10 Plaintiffs, you can answer that.

11 THE WITNESS: How do you want me  
12 to answer?

13 MR. FUDALI: If you had a  
14 conversation independently that was  
15 not at the instruction of your  
16 attorneys with the other Plaintiffs,  
17 then you can answer. If not, then I  
18 would instruct you not to answer.

19 A. I guess I can't answer that.

20 Q. Let me just ask you something,  
21 Josh. You understand you're under oath,  
22 right? Yes?

23 A. Yes.

24 Q. Do you understand that there  
25 are criminal penalties, potentially, if

1       you lie under oath?

2           A.       Yes.

3           Q.       Do you understand that we  
4       already have communications, and produced  
5       them, of communications between you and  
6       some of the other Plaintiffs that were  
7       clearly on your own?

8           A.       Okay.

9           Q.       So you just lied?

10          A.       I said I can't answer it. I  
11       didn't lie.

12                   MR. FUDALI: Okay. Let me --

13          Q.       Let me just remind you of  
14       something. I am going to remind you  
15       again and I am going to ask you a  
16       question. You said you can't answer that  
17       question because according to your  
18       lawyer's objection, if it was at his  
19       direction, then you couldn't answer it,  
20       right?

21          A.       Right.

22          Q.       Okay. But otherwise, of course  
23       you could answer it. It's very clear  
24       that the conversation you had with some  
25       of the other Plaintiffs was not at the

1 direction of your lawyer. So I am going  
2 to ask you again.

3 MR. FUDALI: Is that the  
4 question?

5 Q. Even if it wasn't at his  
6 direction, did you have conversations or  
7 communications with the other Plaintiffs?

8 MR. FUDALI: You can answer  
9 that.

10 A. Yes.

11 Q. Okay. Which other Plaintiffs?

12 A. I reached out to Jason.

13 Q. Jason?

14 A. I don't know how to pronounce  
15 his last name.

16 Q. How did you reach out to him?

17 A. Via e-mail.

18 Q. Van Oijen?

19 A. Yes.

20 Q. How did you have his e-mail?

21 A. We spoke a couple of times  
22 randomly over the years. We just kept in  
23 contact from time to time.

24 Q. Okay. And you had never said  
25 anything to him, right, about what you're



1 claiming?

2 A. No. No, I didn't tell him  
3 initially over that time. But then I  
4 asked him about, you know, my incident  
5 then at that point.

6 Q. Okay. So let's get real  
7 specific. When do you claim this  
8 conversation took place by e-mail?

9 A. I don't know exactly.

10 MR. FUDALI: I'm sorry, was the  
11 question whether it took place by  
12 e-mail or when?

13 Q. The first conversation you had  
14 with him, was it on e-mail?

15 A. The first conversation after --

16 MR. FUDALI: The first  
17 conversation about the incident?

18 MS. WEINTRAUB: Yeah.

19 A. Oh, yeah, I reached out to him  
20 via e-mail.

21 Q. Do you have that e-mail?

22 A. I would have to bring it up on  
23 the -- yeah.

24 Q. Have you produced that e-mail?

25 A. I'm not sure.

1 Q. Okay. Have you looked for it?

2 A. I don't know.

3 Q. Did you reach out to him before  
4 or after you were speaking with The Bloom  
5 Firm?

6 A. I would have to look in my  
7 records to see the exact dates. They are  
8 pretty close.

9 Q. What other Plaintiffs have you  
10 spoken with?

11 A. I spoke with Jason Boyce I  
12 know.

13 Q. When was the first time you  
14 spoke with Jason Boyce?

15 A. Again, I would have to look at  
16 my records. I don't remember exact dates  
17 and times.

18 Q. Well, do you understand that  
19 we've already requested that you produce  
20 all of these discussions, you do, right?

21 A. I screenshotted the Instagram  
22 post. I can bring them up.

23 Q. Have you provided all of the  
24 communications that you had with them  
25 that are in writing?

1 MR. FUDALI: I am going to  
2 instruct him not to answer if it's  
3 provided to his attorney.

4 MR. ETRA: This is discovery.  
5 She's not asking whether you provided  
6 discovery to your attorney.

7 MR. FUDALI: That's what she's  
8 asking. She can ask if his attorney  
9 has produced something.

10 MS. WEINTRAUB: Ask him if he  
11 produced, he knows that he was  
12 requested.

13 MR. FUDALI: Produced to who,  
14 his attorney? That's privileged.

15 MR. ETRA: That's discovery,  
16 that's how we know whether we can get  
17 discovery or not.

18 MR. FUDALI: What he's given his  
19 counsel is absolutely privileged.

20 MR. ETRA: So we can't verify in  
21 discovery what efforts he took.

22 MR. FUDALI: You can ask what  
23 efforts he took, not what he gave his  
24 attorney. I can't ask Jonathan  
25 Bernstein what he did. I can't ask

1           Bruce Weber what he provided to you  
2           guys.

3           MR. ETRA:   By way of discovery,  
4           100 percent.

5           MR. FUDALI:   You're saying I can  
6           ask Bruce Weber, what did you give to  
7           your attorneys?

8           MR. BROWN:   Responsive to  
9           document request.

10          MR. FUDALI:   You can ask what he  
11          looked for, absolutely, and what he  
12          found.   You cannot ask what he gave to  
13          me or his attorneys.

14          MR. ETRA:   We're going to have  
15          to go to the judge on this one.

16          MR. FUDALI:   That's fine, if  
17          it's important to you.

18          MR. ETRA:   Just keep asking  
19          questions, Jayne.

20          Q.       Josh, you talked about, when  
21          you first went to --

22          MR. FUDALI:   For the record, I  
23          am not objecting to you asking what he  
24          looked for and what he found.   But  
25          communications, what he provided to

1           the attorneys, what was responded to,  
2           what he provided that's privileged.

3           Q.       The first time that you went to  
4           Jessica was in November 2018, around the  
5           time you went to the lawyers, right? You  
6           said it's close?

7           A.       I believe so.

8           Q.       You talked about your parents'  
9           divorce, right?

10          A.       Yes.

11          Q.       You talked about it having an  
12          impact on your life?

13          A.       Yeah.

14          Q.       You told Jessica that you were  
15          sexually assaulted and fell into a deep  
16          depression for about a year?

17          A.       Yeah.

18          Q.       Yes?

19          A.       Yes.

20          Q.       You were telling her in 2018  
21          that -- by the way, did you ever see a  
22          psychiatrist?

23          A.       I did not.

24          Q.       Do you know what depression is?

25          A.       She diagnosed me with it.

1 Q. Do you know what depression is?

2 A. Yes.

3 Q. What is it?

4 A. I don't -- I am not going to  
5 say the exact term.

6 Q. Do you know what it is, yes or  
7 no?

8 A. I do.

9 Q. Tell me. What does it mean to  
10 you?

11 MR. FUDALI: Do you want the  
12 scientific definition? What does it  
13 mean to you. That's a different  
14 question. I have no objection to that  
15 question.

16 A. What it means to me, for me, I  
17 guess you get into a dark state. You're  
18 mentally not fully there.

19 Q. Okay. What does dark state  
20 mean?

21 A. You could have some dark  
22 thoughts.

23 Q. What is a dark thought?

24 A. A dark thought.

25 Q. Is that suicide?

1           A.       It could be. It very well  
2 could be with depression.

3           Q.       Did you have thoughts of  
4 suicidal ideation?

5           A.       I am not going to say I didn't.  
6 It's definitely -- you know, there had  
7 been random thoughts of it.

8           Q.       And you discussed those with  
9 Jessica?

10          A.       I don't know if I discussed  
11 that with her.

12          Q.       You held it back from her, the  
13 therapist that you're going to for help?

14                   MR. FUDALI: Object to form.

15          A.       I would have to look.

16                   MR. FUDALI: Jayne, don't put  
17 words in his mouth. He said "I don't  
18 know if I discussed that with her."

19          Q.       You told her that you went to  
20 get services from her because you had  
21 concerns about your marriage. He also  
22 has legal concerns regarding his marriage  
23 and it goes on and on at the bottom of  
24 274. Do you see that?

25          A.       Yes.

1           Q.       Is Jessica Auel the first  
2       person that you're telling about this  
3       incident with Bruce Weber?

4           A.       First person?

5           Q.       Other than your lawyer?

6           A.       Other than my wife too.

7           Q.       Anyone else?

8           A.       I don't think so.

9           Q.       Who was the first person you  
10      told?

11          A.       My wife.

12          Q.       When?

13          A.       I don't know the exact date.

14          Q.       Year? After you were married  
15      or before?

16          A.       After.

17          Q.       Okay. So you were married in  
18      2016?

19          A.       Mm-mmm.

20          Q.       You have to say yes or no.

21          A.       Yes.

22          Q.       So it was after that?

23          A.       Yes.

24          Q.       Where were you when you told  
25      her that?



1           A.       Where was I?

2           Q.       Yeah.

3           A.       We were home. I don't remember  
4 exactly.

5           Q.       Do you remember what the  
6 circumstances were that led you to tell  
7 her at that time?

8           A.       Again, I would have to look  
9 back at my records and see the exact  
10 dates.

11          Q.       Did you make a record of the  
12 date that you told her?

13          A.       No.

14          Q.       So how would you remember?

15          A.       I would be able to look back at  
16 different maybe conversations that I had.

17          Q.       With?

18          A.       With her. Like maybe via text.  
19 Because we still talked about it  
20 afterwards, so I would be able to give  
21 you a better timeline then.

22          Q.       So you don't really remember  
23 when you told her, if it was 2016, '17 or  
24 when you decided to go to the lawyers,  
25 right?

1 MR. FUDALI: Object to form.

2 A. I don't know.

3 Q. Okay. You told Jessica after  
4 the shoot, you were invited to go to the  
5 photographer's office, right, for a  
6 private shoot?

7 A. Where is this?

8 Q. Answer me before you look at  
9 her documents, please answer the  
10 question.

11 MR. FUDALI: No, no, no,  
12 absolutely not.

13 MS. WEINTRAUB: Excuse me?

14 MR. FUDALI: If he wants to  
15 refresh his recollection with an  
16 exhibit you already provided him, he  
17 absolutely can do that. You can't  
18 instruct him not to look at an exhibit  
19 you provided him.

20 MS. WEINTRAUB: I want to know  
21 if he needs to refresh his  
22 recollection first. Thank you.

23 MR. FUDALI: If you need to  
24 refresh your recollection, you can.

25 A. I don't know.

1           Q.       So turn to page 276. And I  
2 will show it to you here, where it is,  
3 "After the shoot the photographer invited  
4 Josh into his office to do a private  
5 shoot"?

6           A.       Right.

7           Q.       Do you remember that?

8                   MR. FUDALI: Do you remember  
9 what?

10          Q.       Do you remember telling her  
11 that? To use your lawyer's words, does  
12 this refresh your recollection?

13          A.       I don't remember telling her  
14 that exactly.

15          Q.       Is that accurate?

16          A.       No, this is not accurate here.

17          Q.       You told her that while you  
18 were in the office, you did some kind of  
19 breathing exercise and he forcefully  
20 touched you in your groin area. Do you  
21 see that?

22          A.       Where is that at?

23          Q.       The next sentence.

24                   MR. FUDALI: I am going to  
25 object that the phrasing is that's

1           what he told her. That's what the  
2           record states. He says he doesn't  
3           recall what he told her.

4           A.       Yeah, I mean he did force his  
5           hand down from where it was on my  
6           abdomen.

7           Q.       Okay. And you never -- you  
8           told her that the photographer forced his  
9           hand down on your groin area?

10          A.       I mean he moved it down. I was  
11          holding it though.

12          Q.       There is a difference between  
13          moved --

14                   MR. FUDALI: Let him answer the  
15          question.

16                   MS. WEINTRAUB: Can I finish my  
17          question? I was interrupted.

18          Q.       There is a difference between  
19          moved or forced. And the way you  
20          described it was moved. And when I asked  
21          you if it was forced or could you move  
22          it, you said yes. So there wasn't  
23          physical force? Is that accurate?

24                   MR. FUDALI: I object to the  
25          phrasing of his testimony. I believe

1           he actually did say the word "forced."

2           Q.       You can answer. Is that  
3 accurate what I said, as summing up what  
4 you said before?

5           A.       Yeah.

6           Q.       Okay. You told Jessica, on  
7 page 275, that after the assault, what  
8 you're talking about, you left modeling  
9 full time, right?

10          A.       Initially for, yeah.

11          Q.       So let's talk about that for a  
12 minute. You never were modeling full  
13 time, were you?

14          A.       Well, I mean, I never really  
15 counted it as that. When I lived in  
16 Miami, was it technically full time, yes.  
17 But who is to say that is actually  
18 full time. It's not like you're working  
19 40 hours a week or more.

20          Q.       Okay. So I need to understand  
21 then what you mean when you say full  
22 time.

23                   Here is the question, Josh,  
24 were you working more than that before  
25 the shoots with Bruce Weber?

1 A. No.

2 Q. The shoots with Bruce Weber,  
3 then came the shoots with Bruce Weber,  
4 right?

5 A. Right, right.

6 Q. Then after the shoots with  
7 Bruce Weber, were you working any less  
8 than you had been?

9 A. It was the same.

10 Q. Okay. That's the question.  
11 So you certainly didn't stop  
12 trying to model after French Vogue,  
13 right, or Abercrombie?

14 A. Right.

15 Q. And you certainly did not tell  
16 the therapist that you shot with Bruce  
17 Weber a few months after you claim he  
18 assaulted you?

19 A. Not sure.

20 Q. Take a look. See if you can  
21 find it anywhere.

22 A. Maybe I didn't.

23 Q. You told Jessica that you  
24 didn't have any concerns or issues with  
25 your sex life as a result of the assault,

1 correct?

2 A. Right.

3 Q. And that's still true today,  
4 right? I mean you never had any sexual  
5 issues or concerns after or problems with  
6 your sex life, right?

7 MR. FUDALI: Object to form.

8 A. I mean as of lately, probably.  
9 But that's other issues, so.

10 Q. Having to do with your divorce  
11 maybe, right?

12 A. Well, separation right now.

13 Q. You're not saying that is  
14 because of Bruce Weber?

15 A. No, no.

16 Q. Okay. You told Jessica on your  
17 first visit that you were "working with  
18 other models with similar encounters to  
19 press charges."

20 A. Yeah.

21 Q. Right? Who were the other  
22 models that you were working with?

23 A. I don't know all of them  
24 exactly.

25 Q. Jason Boyce?

1           A.       Yeah, I mean, I was in contact  
2       with him.

3           Q.       It says "working with other  
4       models," those were your words to her,  
5       that's why she wrote them down, I  
6       presume. So my question to you is, who  
7       were the other models, Jason Boyce, Jason  
8       Van Oijen, yes?

9           A.       Yes.

10          Q.       How about Anthony Baldwin?

11          A.       I didn't know of him.

12          Q.       What about Buddy Krueger?

13          A.       I didn't know of him either,  
14       you know, before this case I didn't know  
15       of them.

16          Q.       What about Mark Ricketson?

17          A.       Yes.

18          Q.       Do you know Mark Ricketson?

19          A.       I don't personally, no.

20          Q.       Have you spoken with him?

21          A.       I asked him about -- I think I  
22       asked him something about Jason's case.

23          Q.       When was that?

24          A.       It was before -- it was right  
25       after the New York Times article.



1 Q. You reached out to Mark?

2 A. Yeah.

3 Q. How?

4 A. Instagram.

5 Q. Will you provide that to us?

6 A. If I can get it. I don't know  
7 how I can do that. I don't have it on  
8 there anymore.

9 Q. Because you deleted your  
10 Instagram?

11 A. No. I have to see how I can  
12 get it. I don't know how to retrieve it.

13 Q. Who are the other models?

14 A. Jason Boyce, Jason Van, Mark.

15 Q. Monty Hooper?

16 A. I never heard of his name.

17 Q. Were there people that you  
18 tried to enlist said nothing has ever  
19 happened to them?

20 MR. FUDALI: I am going to  
21 object to the phrasing as enlist. I  
22 don't know what that means.

23 Q. You can answer.

24 A. Not that I know of.

25 Q. Specifically, how were you

1       working with the other models to press  
2       charges?

3                   MR. FUDALI:   Object to form.

4           Q.       You can answer.

5           A.       I'm not sure.   I'm not sure I  
6       like her wording there.   It's not like  
7       she has a notepad every time I am talking  
8       to her.   So how legitimate is some of  
9       this, I guess.   But working with them as  
10      far as -- I don't know.   After the New  
11      York Times article, then I believe it  
12      was, then I reached out to Mark and  
13      Jason.   And then at that point, I believe  
14      that's when The View contacted me.

15          Q.       Let's talk about the New York  
16      Times article.   Did you know any of the  
17      authors?

18          A.       I didn't know them, no.

19          Q.       Who were you in touch with?

20          A.       I honestly don't even remember  
21      his name.

22          Q.       Did you e-mail with him?

23          A.       I believe so, yes.

24          Q.       Who put you in touch with the  
25      New York Times people?

1           A.       I think it was either Mark or  
2       Jason.

3           Q.       And by the way, how did you get  
4       in touch with Mark or Jason to begin  
5       with?

6           A.       I'm not sure.

7           Q.       Did you have their phone  
8       number?

9           A.       No, no, it was social media, if  
10      anything. Instagram.

11          Q.       And for the New York Times  
12      article, who put you in touch with them,  
13      do you remember?

14          A.       I don't.

15          Q.       Okay. Sorry?

16          A.       No, I don't.

17          Q.       You told Jessica you were  
18      having issues in your marriage, right?

19          A.       Yes.

20          Q.       But you were together for a few  
21      years before you got married?

22          A.       Yeah.

23          Q.       When did you first meet  
24      Heather?

25          A.       I believe it was 2014.

1 Q. And when you met Heather, and  
2 you started as your relationship  
3 developed, things were good?

4 A. Yeah.

5 Q. Things were great?

6 A. Mm-mmm.

7 Q. You have to say yes or no.

8 A. Yes.

9 Q. You guys fell in love?

10 A. Yes.

11 Q. You guys had a great time  
12 together at the beginning?

13 A. Yes.

14 Q. You guys trusted each other?

15 A. Yes.

16 Q. Okay. So it wasn't until you  
17 started having problems with Heather that  
18 you started like having trust issues with  
19 her as well, right, because at the  
20 beginning everything is fine?

21 A. Yes.

22 Q. Okay. So the next visit on  
23 286, you only talked about your marital  
24 problems.

25 MR. FUDALI: Is that a question?

1 Q. Right?

2 A. Yes.

3 Q. And you didn't even mention or  
4 discuss the allegations or what happened  
5 with Bruce Weber, right?

6 A. Not at that one.

7 Q. Because your marriage was  
8 really the main source of your problems  
9 at the time?

10 MR. FUDALI: Object to form.

11 Q. Agreed?

12 A. Yup.

13 Q. And your marriage has obviously  
14 been a source of great stress for you?

15 A. Yes.

16 Q. You had an affair in 2017 and  
17 you told Jessica that your wife was  
18 having problems moving forward?

19 MR. FUDALI: I am going to  
20 object and instruct him not to answer  
21 any questions about this alleged  
22 affair.

23 MS. WEINTRAUB: It goes to his  
24 stress and deception.

25 MR. FUDALI: Sure. I am going

1 to instruct him not to answer  
2 anything.

3 MS. WEINTRAUB: I am not asking  
4 him anything about the affair.

5 MR. FUDALI: You just did.

6 MS. WEINTRAUB: No, I am just  
7 saying that you told Jessica that your  
8 wife was having problems moving  
9 forward. The next question is that  
10 caused a lot of stress for you, didn't  
11 it.

12 MR. FUDALI: I will allow that  
13 question.

14 A. Yes.

15 MS. WEINTRAUB: So I need to  
16 make a record that that question was  
17 as a result of the first.

18 MR. FUDALI: I think you made a  
19 clear record there. I don't think you  
20 need to go any further into it.

21 Q. Josh, is it accurate to say  
22 that you had an affair in 2017 and  
23 that --

24 MR. FUDALI: I am going to  
25 instruct him not to answer.

1 MR. ETRA: Let her finish the  
2 question.

3 Q. -- and you told Jessica that  
4 your wife had problems or difficulty  
5 moving forward and that was causing  
6 stress for you?

7 MR. FUDALI: I am going to  
8 instruct him not to answer based on  
9 privacy. I have no problem with the  
10 second half of that question. I don't  
11 think it's relevant for him.

12 MR. ETRA: In the spirit of meet  
13 and confer, he has put his mental  
14 state, his relationships at issue.  
15 And you are putting borders on what we  
16 can get to. I am meeting and  
17 conferring.

18 I understand normally I would  
19 agree this would cross the line. The  
20 difference is he's putting this at  
21 issue in his damages case. So again,  
22 just considering that, would you  
23 reconsider allowing him to answer the  
24 question?

25 MR. FUDALI: I am fine with

1           questions referring specifically to  
2           the therapy records. I don't think --  
3           I think the second half of that  
4           question was fine. Isn't that what  
5           you told the therapist.

6                   I don't think you need to get  
7           him to admit that there was an affair  
8           on the record. I don't think that's  
9           appropriate. I think you can say did  
10          you tell your therapist this. Did you  
11          tell your therapist that. I have no  
12          problem with that.

13                   MR. ETRA: And again in the  
14          spirit of meet and conferring, we have  
15          a theory that any problems he has are  
16          for other reasons.

17                   MR. FUDALI: I understand.

18                   MR. ETRA: And we believe we are  
19          allowed to explore that and not be  
20          handcuffed.

21                   MR. FUDALI: I don't think I'm  
22          handcuffing you. I don't think you  
23          need to get into details or  
24          confirmation of an affair.

25                   MS. WEINTRAUB: It's in the



1 record.

2 MR. FUDALI: That's fine. I am  
3 not disputing that it is. I think you  
4 need to ask for the records. I don't  
5 think you need to go beyond records on  
6 this topic.

7 MR. ETRA: So you're instructing  
8 him not to answer and he's following  
9 your instruction?

10 MR. FUDALI: I am instructing  
11 him not to answer. I think you can  
12 rephrase that question just to the  
13 second half of that question and I  
14 will not have an objection to isn't  
15 that what you told your therapist or  
16 something along those lines. Did you  
17 tell you therapist.

18 Q. Did you tell your therapist  
19 that you had an affair in 2017 that your  
20 wife was having difficulty moving forward  
21 and it was causing you stress?

22 A. Yes.

23 MR. FUDALI: I do not have an  
24 objection to that question.

25 Q. Is that true?

1           A.       Yes.

2           Q.       And so that wasn't connected in  
3 any way to Bruce Weber, correct,  
4 obviously?

5           A.       Right.

6           Q.       January 4th, you see Jessica  
7 again, right? 290.

8           A.       290. Yes.

9           Q.       And again, there is no mention  
10 of the allegations of this lawsuit or  
11 Bruce Weber, is there? It's just talking  
12 about the marriage difficulty, correct?

13          A.       Yes.

14          Q.       And during that session you  
15 said that you were going to try a trial  
16 separation from your wife while on an  
17 upcoming business trip, right?

18          A.       Yes.

19          Q.       What was the business trip for  
20 when you were a claims adjuster at the  
21 time?

22          A.       It was annual, just a week  
23 meeting kind of.

24          Q.       Where?

25          A.       In Iowa.

1 Q. Why did you -- at the end of  
2 that session you said you wanted to  
3 reserve the next session because you  
4 wanted to talk about the sexual assault.

5 A. Because we just ran out of  
6 time.

7 Q. So January 15th, you talk to  
8 Jessica about the claims here, right, the  
9 assault? January 15th, 2019. That's  
10 after this lawsuit is filed, right?

11 A. Yeah.

12 Q. 294?

13 MR. FUDALI: Object to the  
14 format. I was confused by the  
15 question.

16 MS. WEINTRAUB: Sorry.

17 Q. You have 294?

18 A. Yes.

19 Q. Does that refresh your  
20 recollection it was January 15th, 2019?

21 A. Yes.

22 Q. You saw Jessica Auel?

23 A. Yes.

24 Q. Is this the first time that  
25 you're talking about the assault?

1 A. With her?

2 Q. In your sessions with the  
3 therapist?

4 A. No.

5 Q. When else did you?

6 A. I would have to look back. I  
7 don't know exactly.

8 Q. Aside from the first one where  
9 she mentioned it. We just went through  
10 the others and you agreed that there was  
11 no discussion of the assault, right?

12 A. Right.

13 Q. Okay. So is this the first  
14 time that you're discussing, in detail  
15 with your therapist, the allegations that  
16 you're making here in this lawsuit?

17 MR. FUDALI: Object to the form.  
18 Didn't you just state that there was a  
19 mention of it in the first session?

20 MS. WEINTRAUB: There was a  
21 mention. This is a detailed  
22 discussion. There is a difference.

23 MR. FUDALI: Okay. I want to  
24 make sure that he understands.

25 Q. Do you understand the

1 difference?

2 A. Yes. I would have to look back  
3 at the records because -- yes.

4 Q. Looking at 294, you told her  
5 that there were effects from what  
6 happened, that you didn't want to work as  
7 a model anymore, and that's on 275.

8 A. 275. I mean, like you said  
9 earlier, it says I left modeling, yeah.

10 Q. That's not really true, is it?

11 A. No, it was more of a temporary  
12 thing.

13 Q. Okay. But when you say that  
14 you stopped modeling or, you know,  
15 because that was one of the effects of  
16 it, you were modeling every time that you  
17 could?

18 A. "But still does modeling gigs  
19 infrequently."

20 Q. Infrequently?

21 A. Yeah.

22 Q. But that wasn't your choice,  
23 you were still trying very much to be a  
24 model more, right?

25 A. Right. During that time, yeah.

1 Q. What?

2 A. During that time.

3 Q. Right. So it wasn't that you  
4 were intentionally not modeling, you  
5 weren't getting the jobs?

6 A. Right. I wasn't making myself  
7 available either.

8 Q. Well, that's another story. Is  
9 that what you're claiming?

10 A. Well, I was all over the place.

11 Q. What do you mean?

12 A. I was working in Alaska. I was  
13 working in places not like New York or  
14 Miami.

15 Q. So you weren't --

16 A. I wasn't available.

17 Q. But it had nothing to do with  
18 Bruce Weber?

19 A. Right.

20 Q. You were traveling?

21 A. That was my choice, yeah.

22 Q. After January 4th, the next  
23 time you went was January 29th. And that  
24 is 294, right?

25 A. No, it's 15.

1 Q. 298. January 29th, 2018?

2 A. Yes.

3 Q. You don't discuss anything  
4 about the allegation, it's about your  
5 marriage?

6 A. Yes.

7 Q. February 12th, 2019, 302.

8 A. Yes.

9 Q. You talk about a potential  
10 divorce. You don't talk about Bruce  
11 Weber or the allegations, correct?

12 A. Yes, as far as it says here.

13 Q. Now, you do agree that in all  
14 of these months that you're seeing the  
15 therapist and talking about the demise of  
16 your marriage, that that was a lot of  
17 stress for you?

18 A. Yes.

19 Q. And that had nothing to do with  
20 Bruce Weber, right?

21 A. Right.

22 Q. Okay. February 26th, 2019, you  
23 talked about ending your marriage and the  
24 stress -- and the distress in ending your  
25 relationship with your wife. And that's

1 on 306, right?

2 A. Yes.

3 Q. And it says that you were  
4 depressed then, right?

5 A. Yes.

6 Q. And the depression had to do  
7 with your wife and ending the marriage,  
8 not Bruce Weber, right?

9 MR. FUDALI: Object to form.

10 MS. WEINTRAUB: That's what it  
11 says. "Explored current relationship  
12 distress." It goes on, talks about  
13 "Mood seems more depressed since last  
14 session."

15 Q. And the only thing you were  
16 talking about was the divorce, correct?

17 A. Yeah.

18 MR. FUDALI: That's a different  
19 question than the one you asked  
20 before.

21 Q. So let's go to March 28th,  
22 which is on 310. And it talks about your  
23 marriage and your confidence to end your  
24 marriage. And it also talks about that  
25 you're functioning well, you're working,



1       you're pursuing what you need to do,  
2       you're finishing school, whatever you  
3       needed to be doing, right?

4           A.       Yes.

5           Q.       Because nothing else ever  
6       interfered with your ability to function,  
7       correct?

8           A.       No, not at that time.

9           Q.       Well, that's March 28th, 2019,  
10       correct?

11          A.       Yeah.

12          Q.       Okay. So June 26th, 2019,  
13       number 318, you talk about current  
14       symptoms of depression. And then you  
15       talk about you're burnt out from work,  
16       you're working three jobs. You're  
17       helping your spouse move. You're trying  
18       to fulfill family and social obligations.  
19       Right?

20          A.       Yeah.

21          Q.       And she says depressed, right?

22          A.       Mm-mmm. Yes.

23          Q.       That has nothing to do with  
24       Bruce Weber?

25          A.       That didn't, no.

1 Q. July 22nd, 2019?

2 A. Okay.

3 Q. Again talking about your  
4 relationship with your wife and -- right?

5 A. Yes.

6 Q. And then August 23rd, go to the  
7 second set, August 23rd you shared with  
8 the therapist that you were depressed  
9 about having to come for the deposition?

10 A. What page is that?

11 Q. Well, do you deny that?

12 MR. FUDALI: Deny that he was?

13 MS. WEINTRAUB: Depressed about  
14 having to prepare for the upcoming  
15 deposition.

16 MR. FUDALI: Object to form.

17 Q. Do you deny that?

18 A. I don't know.

19 Q. Were you depressed? It says  
20 "Causes to decrease mood, including  
21 working less and having more time to  
22 focus on your legal concerns." Is that  
23 right?

24 A. Yeah.

25 Q. On August 23rd, on 462, you

1 told your therapist, didn't you, that  
2 symptoms have arisen in the last few  
3 weeks as you prepare for an upcoming  
4 court date. Is that true?

5 A. I don't see that.

6 Q. On 462. "Explore depressive  
7 symptoms which have arisen in the last  
8 few weeks with Josh as he prepares for an  
9 upcoming court date"?

10 A. Yeah.

11 Q. Correct.

12 A. I didn't say that exactly, but  
13 yes. Yeah. I was down and nervous.

14 Q. What were you nervous about?

15 A. I have never been through  
16 anything like this before.

17 Q. All you have to do is tell the  
18 truth. Weren't you excited to come and  
19 tell the truth?

20 MR. FUDALI: Objection to the  
21 form.

22 Q. You can answer.

23 A. To say this is exciting, no,  
24 it's not exciting.

25 Q. Okay. So you found it

1 draining?

2 A. Yeah.

3 Q. What was draining about  
4 preparing for your deposition?

5 A. Basically bringing everything  
6 back up again. Reliving everything. And  
7 that's been such a process over the  
8 however long.

9 Q. But for years, including the  
10 day after you claim that you were  
11 molested, you were sending nude pictures  
12 to your supposed molester, right? And  
13 you weren't dealing with it then?

14 MR. FUDALI: Objection. Hold  
15 on. It's a compound question. Which  
16 part do you want him to answer?

17 MS. WEINTRAUB: Both.

18 MR. FUDALI: Then I am going to  
19 instruct him not to answer, because I  
20 don't think one answer can answer  
21 that.

22 Wait for the next question.

23 MR. ETRA: An objection to form  
24 is just an objection to form.

25 MR. FUDALI: I don't want him

1           answering any compound questions.

2                   MR. ETRA: I didn't want my  
3           witnesses answering compound  
4           questions. Are we going to have a new  
5           rule that when there is a compound  
6           question, we instruct the witness not  
7           to answer?

8                   MR. FUDALI: That type of  
9           question, yes, I am instructing him  
10          not to answer.

11                  MR. ETRA: Are we doing that  
12          with my witnesses?

13                  MR. FUDALI: I don't really ask  
14          compound questions, I am pretty good  
15          at not.

16                  MR. ETRA: I am not so sure  
17          about that.

18                  MR. FUDALI: I don't want him to  
19          answer that question. It was too  
20          confusing to even have a record of him  
21          answering it in my opinion. I usually  
22          do not instruct him not to answer  
23          those questions. I believe that one  
24          was overly confusing and intentionally  
25          confusing, so that's why I am

1           instructing him not to answer. I  
2           believe the question was a bad-faith  
3           question, if that's what you want me  
4           to say. I believe the question was  
5           designed to confuse him and get him to  
6           admit to something.

7                   MS. WEINTRAUB: Oh, my God.

8                   MR. ETRA: That's what  
9           depositions are, trying to get  
10          answers.

11                   MR. FUDALI: If that's what you  
12          do -- if that's how you practice law  
13          by asking bad-faith questions.

14                   MS. WEINTRAUB: Can I just move  
15          on?

16                   MR. ETRA: You're not supposed  
17          to argue about a bad-faith question.  
18          That's the point of a deposition. Let  
19          him answer the question.

20                   MR. FUDALI: My objection is I  
21          believe the question is so confusing  
22          that it's designed to elicit an answer  
23          to the question that is not an actual  
24          answer to that question.

25                   MR. ETRA: I felt that way about

1 all of your questions because I was on  
2 the other side of the table.

3 MR. FUDALI: That's a very  
4 strange way to practice law. I don't  
5 think that about every question Jayne  
6 has asked. And that's evident by the  
7 fact that I have not instructed him  
8 not to answer almost every question  
9 based on my form objection. I believe  
10 that question was overly confusing and  
11 could elicit an answer that he does  
12 not mean to answer the question. So I  
13 am instructing him not to answer.

14 I am happy to allow Jayne to  
15 rephrase the question or to break it  
16 up so he can have a clear record and  
17 answer the question she wants.

18 Q. Josh, you told the therapist on  
19 September 13th, 2019, last week, you had  
20 fears surrounding the case and potential  
21 outcome. What were the fears that you  
22 have about this? Are you afraid you're  
23 going to get caught lying?

24 A. No.

25 Q. Are you afraid that you're

1 going to look like you're not telling the  
2 truth?

3 A. No.

4 Q. It says you're afraid of  
5 potential outcomes. You're afraid you  
6 won't get any money?

7 A. No, I am afraid that justice  
8 won't be served.

9 Q. What kind of justice?

10 A. Whichever way it ends.

11 Q. Justice is money, right?

12 A. No, it doesn't have to be.

13 Q. Did you go to the police?

14 A. What could they do at this  
15 point?

16 Q. Do you know the difference  
17 between going to the police seeking  
18 justice and going to a lawyer to get  
19 money for your pocket?

20 A. I guess I don't. I don't know  
21 what the cops could do at this point  
22 anyway.

23 Q. As a matter of fact, didn't you  
24 have a chat with somebody regarding going  
25 to the police?



1 A. Yes.

2 Q. You chose not to do that? The  
3 other person was trying to encourage you  
4 to go to the police and try and pursue  
5 that avenue and you were not interested  
6 in that, right?

7 MR. FUDALI: Object to the form.

8 A. I was interested.

9 Q. He gave you the name of the  
10 detective even, he gave you his e-mail.  
11 You didn't pursue that at all, did you?

12 A. I'm not sure.

13 Q. You're not sure?

14 A. No.

15 Q. So you're not sure if you went  
16 to the police? A minute ago you said you  
17 didn't. Now you're not sure. I need to  
18 know an answer.

19 MR. FUDALI: Is the question did  
20 he go to the police?

21 MS. WEINTRAUB: Yeah.

22 MR. FUDALI: In regard to Bruce  
23 Weber?

24 MS. WEINTRAUB: Yeah.

25 MR. FUDALI: You can answer that

1 question.

2 Q. Did you go to the police in  
3 regard to Bruce Weber, yes or no?

4 A. No.

5 Q. So you are sure?

6 A. What?

7 MR. FUDALI: Asked and answered.  
8 He just answered.

9 MS. WEINTRAUB: It's pretty  
10 obvious.

11 MR. FUDALI: I think it's  
12 obvious that he didn't go to the  
13 police.

14 Q. And my second question to you  
15 was you had a choice and you could have  
16 gone to the police and you chose not to,  
17 and instead you chose to try to get money  
18 from Bruce Weber in this lawsuit, didn't  
19 you?

20 MR. FUDALI: Object to form.

21 Q. You can answer.

22 A. I did.

23 Q. Okay. You told Jessica that  
24 your spouse had very different spending  
25 habits than you?

1 A. Yeah.

2 Q. And that was a big source of  
3 problems between the two of you?

4 A. Yes.

5 Q. You ran up a big credit card  
6 debt because of her?

7 A. Right.

8 Q. She spent money like crazy?

9 A. Pretty much.

10 Q. And you were having money  
11 problems because of it?

12 A. Yes, definitely, for a while  
13 there. For a while we were.

14 Q. You did not tell your therapist  
15 Jessica that you wrote to Bruce Weber the  
16 day after each photo shoot telling him  
17 how amazing and awesome the experience  
18 was, right?

19 MR. FUDALI: Object to form.

20 A. I probably generalized it and  
21 said we kept in contact. I don't know.  
22 I didn't say that specific thing.

23 Q. Well, you just said you  
24 probably generalized it. I need you to  
25 only answer what you know.

1 A. Okay.

2 Q. And if these records happen to  
3 refresh your recollection --

4 A. No, I didn't tell her that.

5 Q. And you also did not tell her  
6 that you were sending him nude pictures  
7 of yourself, did you?

8 A. That's correct.

9 Q. And the reason that you didn't  
10 tell your therapist that you continued  
11 for years to send him nude pictures of  
12 yourself was because you didn't think  
13 she'd believe the allegation if you said  
14 that, right?

15 MR. FUDALI: Object to form.

16 A. Not sure.

17 Q. It's possible?

18 MR. FUDALI: Object to form.

19 Q. Right?

20 A. It's possible.

21 Q. You didn't tell her that you  
22 reached out to him over 50 times in  
23 e-mails, did you?

24 A. No.

25 Q. And initiated 54 e-mails?

1 MR. FUDALI: Object to form.

2 A. No.

3 Q. Fair to say after the Vogue  
4 Hommes shoot, you certainly didn't give  
5 up your modeling aspirations, right?

6 A. Right. I had Abercrombie.

7 Q. And you did try and model for  
8 the next few years after Vogue Hommes,  
9 right?

10 A. Yeah. Very part time.

11 Q. I'm sorry?

12 A. Yeah.

13 Q. You never told Jessica you had  
14 any nightmares, did you? You never  
15 discussed it at all?

16 A. Not discussed.

17 Q. Nor did you ever tell her that  
18 you had any flashbacks of any kind,  
19 right? Not discussed?

20 A. I'm not sure. I guess. Like I  
21 said, we had a conversation with my wife  
22 and her and I. I don't know what those  
23 records say, so I can't confirm that.

24 Q. Okay. And those are the  
25 records that we don't have yet?

1 A. Correct.

2 Q. So of all the records that we  
3 do have of every session talking about  
4 things, except for one, you do agree from  
5 November 2018 through last week, that  
6 there is no mention of any flashbacks,  
7 right?

8 A. From her comments, yeah.

9 Q. Are you claiming that you have  
10 flashbacks?

11 A. I did.

12 Q. When?

13 A. During that time.

14 Q. What time?

15 A. During this whole time.

16 Q. Okay. So you're saying now  
17 that you had flashbacks during this whole  
18 time but you never discussed it with the  
19 therapist that you were seeing to discuss  
20 your problems about it?

21 MR. FUDALI: Object to form.

22 A. I haven't. I haven't had -- I  
23 haven't even seen her that much, as you  
24 can see, really, in the aspect of things.

25 Q. Did you tell anyone else about

1       these flashbacks?

2                   MR. FUDALI:   Objection.

3                   You can answer that as long as  
4       you're not revealing anything  
5       protected by attorney/client  
6       privilege.

7       Q.       You can answer.

8                   MR. FUDALI:   Anyone other than  
9       your attorney.

10       A.       You can answer.

11                   MR. FUDALI:   He's thinking about  
12       the answer.   Easy.

13       A.       I'm thinking.

14                   MR. FUDALI:   He's been nothing  
15       but cooperative in answering your  
16       questions.   He's just thinking.

17                   MS. WEINTRAUB:   I don't know if  
18       that's true today.

19                   MR. FUDALI:   He's just thinking  
20       about the answer.

21       A.       No.

22       Q.       And when you have this  
23       flashback, can you describe it for me?

24       A.       So the flashback comes back to  
25       like the French Vogue, you know, when I

1 was up in that room with Bruce, that  
2 whole thing, that whole incident.

3 Q. When you were in the hallway?

4 A. Yeah.

5 Q. Okay. Speaking of that, I'm  
6 going to show you what's now been marked  
7 as Exhibit 25 and ask you if you  
8 recognize these as the contact sheets  
9 that I was showing you from your laptop  
10 earlier from the Vogue Hommes shoot from  
11 January 7th, 2011? Do you recognize  
12 these pictures?

13 A. Yes.

14 Q. Is this you?

15 A. Yeah.

16 Q. These are the pictures that I  
17 showed you, right?

18 A. Yes.

19 Q. We previously marked this as 6.  
20 Just on the first page alone, this is,  
21 these are outside, these are individual  
22 shots, right?

23 A. Correct.

24 Q. And then there are shots with  
25 you on the bed?



1 A. Yup.

2 Q. With the other guy, yeah?

3 A. Yes.

4 Q. And then there are individual  
5 shots of people that aren't you, right?

6 A. One second.

7 Q. 43.

8 A. 43.

9 Q. Go to like the third or fourth  
10 page. Or look here, just look here.

11 A. Okay. Yes.

12 Q. Is that you?

13 A. Yes.

14 Q. Okay. Then there are a bunch  
15 of group shots, 133, see you? I am  
16 looking at this number, bunch of group  
17 shots?

18 A. Right. We had that breakfast  
19 somewhere.

20 Q. 126, these are some nudes from  
21 outside?

22 A. Yes.

23 Q. 125, not nude outside. 122,  
24 nude again?

25 MR. FUDALI: Are these in order?

1 MS. WEINTRAUB: No.

2 Q. Right?

3 A. Yes.

4 Q. And then a bunch of shots on  
5 the beach and a bunch of guy shots, I  
6 will say, all of you together, the male  
7 models, right, you're running?

8 A. Yes.

9 Q. Okay. Then can you show me in  
10 these pictures where are the pictures of  
11 you in the hallway --

12 MR. FUDALI: Can we take a quick  
13 break? You can finish your question.  
14 I didn't mean to interrupt. Go ahead.

15 Q. Can you tell me where in these  
16 photographs are the pictures that were,  
17 of the three different places that there  
18 were alone shots in here. Where are the  
19 hallway shots? Which are they?

20 A. They are not here.

21 Q. They are not there?

22 A. No.

23 Q. There are no pictures in this  
24 composite exhibit --

25 MR. FUDALI: Go ahead, finish

1           your question.

2           Q.       -- that were taken during the  
3       breathing exercises that you said were  
4       taken? That was a terrible question.  
5       Let me ask it again. Strike that.

6                   MR. FUDALI: I am going to ask  
7       you to make sure you go page by page.  
8       And if you want to take a break so he  
9       can go through it fully, there are a  
10      lot of pages here.

11                   (Witness reviews photographs.)

12      A.       I don't know, I don't know.

13                   MR. FUDALI: I think he's ready  
14      to continue here. If you want to  
15      repeat the question.

16      Q.       So I just want, make sure and  
17      let the record reflect that you have just  
18      taken the past few minutes to go through  
19      every page of this contact sheet, right?

20      A.       Yes.

21      Q.       And it's your sworn testimony  
22      that the pictures Bruce Weber took of you  
23      in the hallway are not anywhere reflected  
24      in the contact sheets that have been  
25      identified as the contact sheets from the

1 French Vogue shoot from January 7th,  
2 2011?

3 A. I can't confirm.

4 Q. I don't understand what that  
5 means.

6 MR. FUDALI: Explain to her.

7 Q. You need to be clear.

8 A. I don't know. These images  
9 catch my eye a little bit here. But I  
10 can't confirm.

11 MR. FUDALI: What page? For the  
12 record, he's pointing to the images on  
13 page 60353-34.

14 Q. I need you to take a position  
15 on the record before we break, if you're  
16 looking at 60353-34 and saying you don't  
17 know.

18 A. I don't know.

19 Q. And to be clear, in this record  
20 that you have before you of the contact  
21 sheets, there are different places with  
22 you nude and alone with Bruce Weber?

23 A. Correct.

24 Q. Meaning that sometimes you're  
25 alone with Bruce Weber nude, nothing

1 happens that you're even claiming, right?

2 A. Correct. Yeah.

3 Q. And that you're alone during  
4 the breathing exercise when he was taking  
5 pictures, you do not see those pictures  
6 here?

7 A. I know we were alone in this,  
8 because this room is closed off here.

9 Q. I can't -- what number is that  
10 on the bottom?

11 A. It's 34. The other photos  
12 where I'm laying in the grass and  
13 whatnot, that was still visible by people  
14 walking, because there were like glass  
15 doors and everything surrounding.

16 Q. Are you saying that you were  
17 touched inappropriately in the room or  
18 during these photo pictures of 60353-34?

19 I need an answer?

20 MR. FUDALI: If you know. If  
21 you remember.

22 A. I don't remember.

23 Q. Is it because you don't  
24 recognize the room?

25 A. I don't fully recognize the

1 room.

2 Q. Is it because the pictures in  
3 634 were taken in a bathroom and not in a  
4 hallway?

5 MR. FUDALI: Object to the form.

6 Q. Do you recognize that now as a  
7 bathroom?

8 A. How can we confirm that?

9 Q. You were there.

10 MR. FUDALI: That's a good  
11 question. What's the question?

12 Q. Is that that room?

13 MR. FUDALI: Are you asking him  
14 if he can confirm that that's a  
15 bathroom?

16 Can you confirm that that's a  
17 bathroom?

18 THE WITNESS: No, I can't.

19 MS. WEINTRAUB: I am not asking  
20 him to confirm it's a bathroom. I am  
21 telling him that's a bathroom.

22 Q. Were you in that room and did  
23 anything happen there?

24 MR. FUDALI: I am going to  
25 object to the form of that question

1           and instruct him not to answer unless  
2           he can agree with you that he can  
3           confirm that that's a bathroom.

4           A.       No.

5           Q.       Have you found any pictures  
6           that are in the hallway as you described  
7           where the assault that you're claiming  
8           took place in that batch of photographs?

9                   MR. FUDALI:   Again, I am going  
10           to object to this, the classification  
11           of a hallway.

12                   MR. ETRA:    You've got to stop  
13           coaching him.   You've got to stop.

14                   MR. FUDALI:   It's not coaching  
15           him.

16                   MR. ETRA:    You're coaching.  
17           You're coaching.   You've got to stop,  
18           man.

19                   MR. FUDALI:   Jon, I don't need  
20           you to tell me what to do.   It's not  
21           coaching him.

22                   MR. ETRA:    Object to form and  
23           stop.

24                   MR. FUDALI:   I am objecting.

25           Q.       Josh, were you in the bathroom

1 with Bruce Weber taking pictures there?

2 A. If this is a bathroom. Can we  
3 confirm that though?

4 Q. You don't remember, do you?

5 MR. FUDALI: Remember what?

6 Q. You don't remember whether or  
7 not that is a bathroom. You're looking  
8 at pictures and you don't know and that  
9 does not refresh your recollection of  
10 whether or not it's a bathroom?

11 Josh, is it your testimony that  
12 there are no pictures in that composite  
13 exhibit in the hallway as you described  
14 it of where you claim the assault  
15 occurred?

16 A. I can't confirm that with these  
17 photos.

18 Q. Were you in a bathroom with  
19 Bruce Weber?

20 A. Again, I'm not sure if this is  
21 a bathroom or not.

22 Q. Were you ever in a bathroom  
23 with Bruce?

24 MR. FUDALI: There has got to be  
25 a better way for you guys to do this.



1 Q. Do you remember?

2 A. I'm not sure.

3 Q. You might have been?

4 MR. FUDALI: Object to the form.

5 You can answer.

6 A. I'm not sure.

7 MS. WEINTRAUB: Let's take a

8 break.

9 THE VIDEOGRAPHER: Going off the  
10 record at 2:16 p.m., this marks the  
11 end of media 3.

12 (Off the record.)

13 THE VIDEOGRAPHER: We are back  
14 on the record at 2:45 p.m., this marks  
15 the beginning of media 4.

16 Q. Josh, before we took a break, I  
17 asked you to take a look at the contact  
18 sheets from French Vogue, which is the  
19 last exhibit, which is number 6. The  
20 last exhibit that we were looking at,  
21 right?

22 A. Correct.

23 Q. I asked you to show me if there  
24 were any pictures that were taken or  
25 showed you in the area that you have

1 described where Bruce Weber  
2 inappropriately touched you. Do you  
3 remember that?

4 A. I remember, yeah, I remember  
5 you discussing it, yes.

6 Q. So you're looking at the  
7 pictures again, now I see. And I am  
8 asking you, I want it to be very clear,  
9 are there any pictures at all of the area  
10 where you say that Bruce Weber touched  
11 you inappropriately or not?

12 A. Yeah, in the general area would  
13 be, would be on this page, 34.

14 Q. In the bathroom?

15 A. I still can't figure out what  
16 kind of room this is.

17 Q. And why are you saying that  
18 now?

19 A. What do you mean?

20 Q. I mean, you're saying that this  
21 is the general area. Is this the hallway  
22 that you were referring to?

23 A. That's what's hard for me to  
24 see in the photos. I am kind of limited  
25 here as far as what, I don't know what

1 kind of room this is.

2 Q. Can you say whether or not this  
3 is the hallway, the area where you claim  
4 that Bruce Weber touched you  
5 inappropriately, or not?

6 A. Yes, I can. This is the area.

7 Q. Okay. Is this where it  
8 happened, what you're claiming?

9 A. It's hard for me, honestly, to  
10 tell from the photos.

11 Q. So you can't tell?

12 A. No.

13 Q. I just need a definite answer  
14 one way or another.

15 A. Right.

16 Q. If you can.

17 A. I can't.

18 Q. You can't?

19 A. I can't tell from the photos.

20 Q. Okay. So from this picture you  
21 do not see where the claimed alleged  
22 touching took place, right?

23 MR. FUDALI: Hold on. I am  
24 going to object to that question as  
25 misstating his testimony and trying to

1 summarize a line of questioning with a  
2 false premise.

3 MS. WEINTRAUB: Okay. If it's a  
4 false premise.

5 Q. Show me in these pictures where  
6 the alleged assault took place?

7 A. I just said in this area.

8 MR. FUDALI: He said he thinks  
9 that area. You pressed him can you  
10 say for sure? He said no. That's it.  
11 He can't say for sure. He said he  
12 thinks this area but from the pictures  
13 he can't tell. That's what happened.  
14 Now you're saying so you're saying  
15 that there's nowhere in these  
16 pictures, no, that's not what he's  
17 saying. And that's not a fair way to  
18 do this deposition.

19 Q. Is it fair to say you don't  
20 recognize where the claimed assault took  
21 place in these pictures?

22 A. I can't tell if this is a  
23 hallway or bathroom or a bedroom for that  
24 matter, I don't know.

25 Q. I need a definitive answer not

1 by your lawyer.

2 MR. FUDALI: He can't give you a  
3 definitive answer. He just told you  
4 multiple times he can't give you a  
5 definitive answer.

6 A. This is where it happened.

7 MR. FUDALI: You can't force a  
8 definitive answer out of him.

9 Q. Okay. Now you just said this  
10 is where it happened. Now you're sure?

11 MR. FUDALI: Object to form.

12 A. I wasn't sure of the room type.  
13 Because I can't tell here is this a  
14 bedroom, hallway.

15 MR. FUDALI: You can ask as many  
16 questions as you want. He said  
17 multiple times he thinks it's from  
18 these pictures, page 34.

19 MS. WEINTRAUB: Stop.

20 MR. ETRA: She can ask as many  
21 questions as she wants. And you have  
22 to stop talking. You have to stop  
23 coaching the witness.

24 MR. FUDALI: I don't have to  
25 stop anything, Jon.

1 MR. ETRA: I am meeting and  
2 conferring on a motion for sanctions.  
3 I am urging you.

4 MR. FUDALI: Give me a break.

5 MR. ETRA: I am moving for this.

6 MR. FUDALI: Let's hear the big  
7 tough motion for sanctions.

8 MR. ETRA: Stop making speaking  
9 objections.

10 MR. FUDALI: Thank you. I am  
11 not going to allow my client to be  
12 forced into giving a definitive answer  
13 that he can't give.

14 MS. WEINTRAUB: He just gave it.

15 MR. FUDALI: Just because Jayne  
16 keeps saying be more definitive, be  
17 more definitive. He made the answer  
18 to this question very clear. I don't  
19 think there needs to be any more  
20 questions on this.

21 MR. ETRA: You don't get to make  
22 decisions.

23 MS. WEINTRAUB: What you think  
24 doesn't matter.

25 MR. FUDALI: I can make the

1 decision to instruct him not to answer  
2 if it's becoming confusing, harassing,  
3 and you're trying to confuse him into  
4 changing his answer.

5 I am instructing him not to  
6 answer any more questions on this  
7 topic.

8 MS. WEINTRAUB: He has given  
9 four different answers.

10 MR. FUDALI: Because you keep  
11 asking him different questions.

12 MS. WEINTRAUB: I need to  
13 clarify it on the record.

14 MR. FUDALI: I am instructing  
15 him not to answer a single more  
16 question on this issue.

17 MR. ETRA: Arick, you're not  
18 giving us a choice.

19 MR. FUDALI: Do what you want to  
20 do.

21 MS. WEINTRAUB: I need to ask  
22 the question.

23 MR. FUDALI: You explain to  
24 Judge Furman or Judge Ailes why Jayne  
25 needs to ask this question an 18th

1 different way.

2 MS. WEINTRAUB: He keeps giving  
3 different answers, that's why.

4 MR. FUDALI: I am instructing  
5 him not to answer any more questions  
6 on this topic.

7 Q. So it's clear, I want to  
8 clarify on the record, were you confused,  
9 by the way, by any of the questions?

10 A. A little bit.

11 Q. Is that because your lawyer  
12 said so?

13 MR. FUDALI: Objection.

14 A. No, because you were changing.

15 Q. So if you're confused, you need  
16 to let us know like you have when you  
17 were really confused and I will rephrase  
18 the question.

19 So I want to clarify whether or  
20 not you recognize from these photos where  
21 you claim the alleged inappropriate  
22 touching took place.

23 MR. FUDALI: I am going to  
24 object and instruct my client not to  
25 answer that question as it has been



1           asked multiple times in different ways  
2           designed to elicit different answers  
3           and get a conflicting record.

4           MS. WEINTRAUB:   That's  
5           absolutely not true.

6           MR. FUDALI:   I don't think it's  
7           an appropriate line of questioning.   I  
8           believe Mr. Ardolf has stated very  
9           clearly that he thinks it is the  
10          page --

11          THE WITNESS:   34.

12          MR. FUDALI:   -- 34.   But because  
13          of the way the picture is, he cannot  
14          tell if that's exactly the area where  
15          he claims Mr. Weber touched him.  
16          There is no further testimony needed  
17          on this.   He said he cannot give a  
18          definitive answer.   I am instructing  
19          him not to answer further questions.  
20          So that's it.

21          Q.           How did you prepare for this  
22          deposition?

23          MR. FUDALI:   I am going to  
24          object to that question and instruct  
25          him not to answer insofar as --

1 MS. WEINTRAUB: It's the exact  
2 same question you asked Jonathan  
3 Bernstein.

4 MR. FUDALI: And there was an  
5 objection. And he was instructed not  
6 to answer about anything that took  
7 place with his attorneys, which is  
8 exactly what I am about to say. Am I  
9 allowed to make an attorney/client  
10 privilege? Does Jonathan have another  
11 motion for sanctions on that?

12 MS. WEINTRAUB: Stop.

13 MR. FUDALI: My objection is I  
14 am going to instruct my client not to  
15 answer that question insofar as it  
16 would reveal information or  
17 conversation exchanged between him and  
18 his attorney. If he did any other  
19 preparation outside of conferring with  
20 his attorney or reviewing things  
21 provided by his attorney, then he can  
22 answer that question.

23 If you cannot answer that  
24 question without revealing those,  
25 revealing that, then I am going to

1           instruct you not to answer.

2           Q.       Can you answer the question?

3           A.       I printed off a bunch of  
4 documents that I received and that was  
5 what I did.

6           Q.       What documents?

7           A.       Any documents I received from  
8 my --

9                   MR. FUDALI: I am going to  
10 instruct him not to answer if those  
11 were documents he received from his  
12 attorney.

13          Q.       Were those pleadings that you  
14 reviewed?

15                  MR. FUDALI: Again same  
16 objection. I am going to instruct him  
17 not to answer.

18                  MR. ETRA: You're instructing  
19 him not to answer what documents he  
20 reviewed?

21                  MR. FUDALI: If those are  
22 documents received from his attorney,  
23 yes, which is the literally identical  
24 objection you guys made when I asked  
25 that question.

1 Q. Did you meet with your lawyer  
2 to prepare?

3 MR. FUDALI: You can answer  
4 that. You can answer if you met with  
5 your lawyer.

6 A. Yes.

7 Q. When?

8 A. Yesterday.

9 Q. How long?

10 MR. FUDALI: I am going to  
11 object to that.

12 MS. WEINTRAUB: You have a basis  
13 or you just don't like it?

14 MR. FUDALI: Attorney/client  
15 privilege.

16 Q. Who was there?

17 MR. FUDALI: You can answer  
18 that.

19 A. Just Arick.

20 Q. Was that the first time you  
21 met?

22 MR. FUDALI: In person you mean?

23 A. In person, yes. First time we  
24 met in person, yes.

25 Q. When did you first contact The

1 Bloom Firm?

2 A. I would have to look back again  
3 at my records.

4 Q. What records would that be?

5 A. e-mails.

6 Q. Who referred you to go to The  
7 Bloom Firm?

8 MR. FUDALI: I am going to  
9 instruct you not to answer that  
10 question if the person who referred  
11 you to The Bloom Firm was another  
12 attorney. If you can answer that  
13 question without revealing a  
14 conversation you had with another  
15 attorney, then you can answer. If  
16 not, I would just instruct you to say  
17 I can't answer.

18 A. I cannot answer that.

19 MR. ETRA: Wait just a second.  
20 The answer is who. You don't want him  
21 to answer who, that's the question  
22 who. Are you telling him not to  
23 answer who?

24 MR. FUDALI: I believe --

25 MR. ETRA: I am confused by

1           that. I'm not sure what you intended.  
2           Maybe it is what you intended.

3                   MR. FUDALI: Fair enough. Can  
4           you repeat the question.

5           Q.       Who referred you to The Bloom  
6           Firm?

7                   MR. FUDALI: You can say a name  
8           if you recall. If you remember.

9           A.       It's between two guys. I can't  
10          confirm unless I look at the messages.

11          Q.       What messages?

12                   MR. FUDALI: If those are  
13          messages between you and -- is this  
14          the first time you guys have heard of  
15          attorney/client privilege. I don't  
16          understand these noises.

17                   MR. BROWN: Because these  
18          questions relate to communications.

19                   MR. FUDALI: A message with an  
20          attorney.

21                   MR. BROWN: How long did you  
22          meet with an attorney, there is no  
23          communication implicated.

24                   MR. FUDALI: First of all, I am  
25          usually much more lenient on this. I

1 am following your guys' lead on the  
2 attorney/client privilege thing. The  
3 breadth of your attorney/client  
4 privilege objections and instruction  
5 not to answer during Bernstein and  
6 Tomassone depositions were the most  
7 absurd I'd ever seen. I am following  
8 in line with what you guys are doing.

9 If you notice I was much more  
10 lenient on this prior to your guys'  
11 blanket objections of not allowing a  
12 conversation between Bernstein and  
13 Tomassone. Two witnesses. Okay. So  
14 I don't need to hear your guys'  
15 comments on my attorney/client  
16 privilege objections. If you don't  
17 like them, you can bring them up to  
18 Judge Furman or Judge Ailes. You guys  
19 can pick.

20 Now the objection is if those  
21 messages were received from an  
22 attorney. You said what messages.  
23 That would be attorney/client  
24 privilege if they were received from  
25 an attorney that he was talking to

1           about this potential case.

2           MR. ETRA: He can say that.

3           MR. FUDALI: That's why I make  
4           the objection and I instruct him if  
5           you can answer that question without  
6           talking about messages that you  
7           received from an attorney that you  
8           spoke to, then you can answer. If  
9           not, I would instruct you to say I  
10          can't answer. If they were not from  
11          an attorney, you can answer.

12          A. Right. Well, like I said, it's  
13          between two guys.

14          Q. Okay. Who?

15          A. And it's either Jason Boyce  
16          gave me the information or Mark  
17          Ricketson. Either one of those two guys.

18          Q. When did you first go to see a  
19          lawyer about this case?

20          A. I have never -- I never met  
21          lawyers in person. I would have to look  
22          back on my e-mail records again.

23          Q. When was the first time you  
24          spoke, without telling me what you said,  
25          when is the first time you spoke with the



1 lawyers?

2 MR. FUDALI: You can answer that  
3 if you know.

4 A. I don't. I don't know an exact  
5 date.

6 Q. Do you know a month?

7 A. No.

8 Q. Do you know a year?

9 A. I'm just -- no, I don't.

10 Q. Had the lawsuit been filed yet?

11 MR. FUDALI: What lawsuit?

12 Q. Was Jason Boyce's lawsuit, had  
13 that been filed?

14 A. The first one?

15 Q. Yes.

16 A. Yeah.

17 Q. Okay. So after Jason Boyce's  
18 lawsuit was filed, he got in touch with  
19 you, yes?

20 A. No, I reached out to them.

21 Q. And then he suggested that you  
22 call The Bloom Firm, right?

23 A. They gave me information.

24 Q. About The Bloom Firm?

25 A. Yes.

1 Q. Okay. And then you contacted  
2 The Bloom Firm?

3 A. Yes.

4 Q. Was that before or after the  
5 New York Times article? Do you know, if  
6 you know?

7 A. I don't know.

8 Q. Was it before or after you were  
9 on The View?

10 A. Again, I would have to look  
11 back. Sorry, I am just all mixed up  
12 right now in my head.

13 Q. Let me see if I understand  
14 this. You were referred -- you talked to  
15 Jason Boyce and Mark Ricketson. You were  
16 referred to contact The Bloom Firm and  
17 you did, yes so far?

18 A. I contacted them, yes.

19 Q. And then you spoke to somebody  
20 from The Bloom Firm, right?

21 A. Mm-mmm.

22 Q. You have to say yes or no.

23 A. Yes.

24 Q. Do you know who you spoke with?

25 MR. FUDALI: You're talking

1           about the first time he ever spoke to  
2           someone?

3                   MS. WEINTRAUB:   Yes.

4                   MR. FUDALI:    You can answer  
5           that, if you know.

6           A.       I believe it was Sarah.

7           Q.       Sarah Bloom?

8           A.       Yes.

9           Q.       Lisa Bloom's daughter?

10          A.       Yes.

11          Q.       Did you ever meet with any of  
12   the lawyers, ever, until yesterday?

13                   MR. FUDALI:   You mean in person?

14          A.       Not in person, no.

15          Q.       So you've spoken on the phone  
16   to Sarah Bloom and you've e-mailed with  
17   them?

18          A.       Yes.

19          Q.       Okay.   Can you tell us  
20   approximately how many times you've  
21   spoken with people from The Bloom Firm  
22   before yesterday?

23                   MR. FUDALI:   I am going to  
24   object for attorney/client privilege.

25                   MS. WEINTRAUB:   I didn't ask

1           what the conversation was.

2                   MR. FUDALI:   It's also a  
3           relevance objection.

4                   You can answer if you know.

5           A.       I wouldn't know.   I don't know  
6   an exact amount.   I don't keep track.

7           Q.       Was it more than a dozen?

8           A.       Yes.

9           Q.       Was it more than two dozen?

10                   MR. FUDALI:   I am going to  
11   instruct him not to answer this  
12   question.

13                   MR. BROWN:   Sorry, for the  
14   record, what is the basis of that?  
15   How many times have you spoken with  
16   people from The Bloom Firm?

17                   MR. FUDALI:   I think it's  
18   irrelevant and I think it's violation  
19   of attorney/client privilege.

20                   MS. WEINTRAUB:   Of what?

21                   MR. FUDALI:   Violation of  
22   attorney/client privilege.   Do you  
23   really care?   Is this worth it?   I  
24   don't understand.   Is this worth it?  
25   This is such a waste of time.   This is

1 an issue that you would like to take  
2 up with the judge, you want to know  
3 how many times he spoke to an  
4 attorney?

5 MR. ETRA: Do you want to know  
6 why? I will tell you if you want to  
7 know why.

8 MR. FUDALI: I don't care why.  
9 If that's so important to you, make a  
10 motion on that, go ahead.

11 MS. WEINTRAUB: Okay.

12 Q. Your lawyer Lisa Bloom, who  
13 signs the pleadings in this case, says  
14 that many of her clients who are accusers  
15 like yourself are pathological liars.  
16 Are you lying now?

17 MR. FUDALI: Okay, okay. Do not  
18 answer that question.

19 Jayne, this deposition is over.  
20 That is a completely inappropriate  
21 question.

22 MS. WEINTRAUB: I don't think  
23 so.

24 MR. FUDALI: We are seeking  
25 sanctions. We are going to stop it

1           there. Thank you, have a good day.

2                   MS. WEINTRAUB: Hold on. Hold  
3           on.

4                   MR. ETRA: Meet and confer  
5           first. It's one thing if you don't  
6           like the questions. We still have  
7           time left and there is a lot more to  
8           cover.

9                   MR. FUDALI: Jayne, I thought  
10          better of you until about 30 seconds  
11          ago as a person.

12                   MS. WEINTRAUB: I thought better  
13          of Lisa Bloom until I saw that memo.

14                   MR. FUDALI: And we can put that  
15          on the record. I would love to see  
16          your memos between you and Mr. Weber.

17                   MS. WEINTRAUB: Believe me, I  
18          would never put anything like that.  
19          Because I don't think that.

20                   MR. FUDALI: Jayne, as a person  
21          and as a lawyer, I've shown nothing  
22          but respect for you and I've gotten  
23          the same somewhat in response. That  
24          question was absolutely inappropriate  
25          and offensive and below you and below

1 the profession.

2 MS. WEINTRAUB: But you don't  
3 get to tell me at the deposition, you  
4 can move to strike it.

5 MR. FUDALI: No, I am putting  
6 something on the record. I am putting  
7 something on the record. I think it's  
8 extremely below you and from what I  
9 know about you as a professional. I  
10 know you know that has absolutely no  
11 relevance to this case and would not  
12 lead to any admissible evidence in  
13 this trial. So I am moving to strike  
14 that question.

15 I am considering moving for  
16 sanctions about that question. If you  
17 can agree that you will absolutely  
18 move on and not bring up anything  
19 related to that topic again, we can  
20 continue with this deposition. If you  
21 will not agree to that, this  
22 deposition will be concluded and you  
23 can go to the court and you can try to  
24 get --

25 MS. WEINTRAUB: I will agree not

1 to ask any other questions about Lisa.  
2 But I am going to ask other questions  
3 about the lawsuit and the press  
4 conference being filed and if he saw  
5 it, et cetera.

6 MR. FUDALI: What press  
7 conference?

8 MS. WEINTRAUB: You didn't know  
9 that Lisa had a press conference with  
10 Mark Ricketson and Jason Boyce?

11 MR. FUDALI: I was asking if you  
12 were referring to the press conference  
13 related to this case?

14 MS. WEINTRAUB: Yes.

15 MR. ETRA: Do you want to take a  
16 break?

17 MR. FUDALI: No, I made my  
18 statement.

19 MR. ETRA: Okay. We obviously  
20 disagree. Let's move forward.

21 MR. FUDALI: What do you  
22 disagree with? You think that is  
23 likely to lead to admissible evidence,  
24 that question, is that what you  
25 disagree with? Are you going to state



1 on the record that you think that  
2 Jayne's record --

3 MR. ETRA: You're raising your  
4 voice and I know you don't mean to.

5 MR. FUDALI: You said you  
6 disagree. You disagree that Jayne's  
7 question is likely to lead to  
8 admissible evidence in this case.

9 MR. ETRA: Let me state it very  
10 clearly, yes.

11 MR. FUDALI: That's a very weird  
12 way to do that, but go ahead. For the  
13 record, I move to strike that  
14 question. But I don't think that  
15 really matters for a deposition.

16 Q. Aside from your lawyers, please  
17 identify, if you haven't already, every  
18 person that you have communicated with  
19 about this lawsuit. Did you e-mail with  
20 your family?

21 A. No, I didn't e-mail with them.

22 Q. Did you e-mail with your close  
23 friends?

24 A. No.

25 Q. Did you e-mail or text with

1 your agent or any of your agents about  
2 this?

3 A. No. Tieg reached out after he  
4 saw the article. He reached out to me  
5 and just said, you know, that he  
6 apologized -- he apologized and said that  
7 I'm sorry. I didn't know you went  
8 through that.

9 Q. Have you ever communicated with  
10 Darryl Janney by the way?

11 A. Oh, yeah.

12 Q. And how do you know him?

13 A. He reached out to me on  
14 Instagram. I didn't know of him prior.

15 Q. Let's talk about this  
16 Instagram. So you have an Instagram and  
17 a Facebook account and a Twitter account,  
18 right?

19 A. Yes. Twitter has been inactive  
20 for years, but yes.

21 Q. So your Instagram and Facebook  
22 have been active?

23 A. Right.

24 Q. And your Instagram and Facebook  
25 were public until the summer?

1           A.       Yes.

2           Q.       And in July you even mentioned  
3 it to your therapist that there was a  
4 court hearing that you're aware of that  
5 came up, right?

6           A.       Right.

7           Q.       And you are aware of the fact  
8 that there was a court order that your  
9 lawyers were going to turn over your  
10 names on Instagram, all of your social  
11 media names?

12          A.       Correct.

13          Q.       And at that time for the first  
14 time you made your Instagram, Facebook  
15 private after that court order, right?

16          A.       I disagree with that. My  
17 Facebook was private prior.

18          Q.       Your Facebook was not private  
19 in July of this year?

20          A.       Really?

21                   MR. FUDALI: Is that a question.

22          Q.       Was it?

23                   MR. FUDALI: Hold on.

24                   MS. WEINTRAUB: Yeah, because I  
25 have it.

1 MR. FUDALI: Hold on. Hold on.  
2 The question was, was your Facebook  
3 private in July of this year.

4 Q. And remember you're under oath,  
5 so be careful.

6 MR. FUDALI: You can answer that  
7 question.

8 A. How do you define private with  
9 Facebook? You can pick and choose what  
10 is and what isn't. I don't know. I  
11 don't know the details of what or wasn't  
12 private.

13 Q. You don't know how to make  
14 something private?

15 A. I do.

16 Q. Right. And you did?

17 A. Yeah.

18 Q. Right?

19 A. I don't know.

20 Q. You're shrugging your  
21 shoulders, is that a yes or no? Did you  
22 make your Facebook account private or not  
23 at some point?

24 A. At some point, yes.

25 Q. And what point was that?

1           A.       I don't know exactly.

2           Q.       Okay. Is it fair to say it was  
3 recently?

4           A.       I'm not sure.

5           Q.       You don't know if it was in the  
6 past two months or if it was a year ago?

7           A.       To me, it feels like it was  
8 longer ago, but I can be wrong.

9           Q.       So I need to know if -- do you  
10 understand what recently means?

11          A.       Recently?

12          Q.       I don't want any confusion.  
13 I'm not being a wiseguy.

14          A.       Recently, a month or two.

15                   MR. FUDALI: That's fair.

16          Q.       So you made it private because  
17 of this case, right?

18          A.       Sure.

19          Q.       You can't shrug.

20                   MR. FUDALI: He can make a  
21 gesture as he's answering. You can't  
22 control the way he physically --

23          A.       Sorry, that's just my natural  
24 reaction.

25          Q.       Well, you haven't done it for

1 the past several hours. So I take it  
2 when you don't answer and you shrug, like  
3 it's an I don't know.

4 MR. FUDALI: He was literally  
5 about to say a word.

6 Q. I apologize.

7 A. When I do that, I am thinking.

8 Q. Let's go back.

9 A. Yes.

10 Q. Okay. Your Facebook account  
11 was public, open?

12 A. Okay.

13 Q. It then became private  
14 recently?

15 A. Yes.

16 Q. And it was because of this  
17 case, right?

18 A. Yeah.

19 Q. Okay. Let's talk about your  
20 Instagram. Your Instagram was also not  
21 private until recently?

22 A. Yes.

23 Q. And recently you deleted it  
24 completely, didn't you?

25 A. No, I didn't. I just changed

1 the name.

2 Q. So you knew about the court  
3 order to give us the name of the account  
4 that it was under and then you just --  
5 then you make it private and then you  
6 start another account with a different  
7 name?

8 MR. FUDALI: Objection.

9 A. No.

10 MR. FUDALI: Hold on. Are you  
11 referring to a court order about  
12 Instagram?

13 MR. ETRA: Can you let her ask  
14 the questions.

15 MR. FUDALI: No, I can't  
16 actually, if the question is so  
17 confusing that I can't fathom what  
18 she's asking.

19 MR. ETRA: Then you object to  
20 form.

21 MR. FUDALI: Frankly, I have no  
22 more -- I can't give Jayne any more  
23 leeway due to these past questions.  
24 So I need to know exactly what she's  
25 asking. This deposition has gotten so

1 off the rails of what's relevant.

2 MS. WEINTRAUB: It's relevant  
3 that he deleted the Instagram account  
4 after we went to court about it.

5 MR. FUDALI: We didn't go to  
6 court about Instagram. What are you  
7 talking about? Can you show me where  
8 the judge made an order about his  
9 Instagram. What are you talking  
10 about?

11 Q. Did you post on your Instagram  
12 account about the allegations in this  
13 case?

14 A. I posted about being on The  
15 View.

16 Q. Did you post about the  
17 allegations in this case, yes or no?

18 A. I don't believe I referenced  
19 anything about this case.

20 Q. Did you communicate via  
21 Instagram or Facebook with Jason Boyce in  
22 this case, direct message?

23 MR. FUDALI: What do you mean by  
24 in this case?

25 A. About this case, his case?



1 Q. We're here for both cases.

2 A. Right.

3 Q. Okay. So have you communicated  
4 with Jason Boyce via Instagram or  
5 Facebook, direct message?

6 A. Yeah. I mean, him and I have  
7 discussed, yes.

8 Q. Have you produced those  
9 discussions?

10 A. I'm not sure.

11 MR. FUDALI: I don't want you to  
12 reveal anything that you provided to  
13 your attorneys.

14 You can ask that a different  
15 way.

16 A. And if I haven't, I would  
17 gladly supply them. But that's the  
18 thing, when you --

19 Q. Have you ever looked for them?

20 A. I did. I did try to look for  
21 them.

22 Q. And did you find them?

23 A. No. I don't know how you can  
24 go back into the system of Instagram.

25 Q. After you delete?

1 A. Initially -- yeah, right.

2 Q. Okay. So did you delete  
3 that -- did you delete those records  
4 after August 1st? We are at September 20  
5 something, 28th.

6 A. Of this year?

7 Q. Yes.

8 A. They were before.

9 Q. They were deleted before?

10 A. Yeah.

11 Q. When?

12 A. I don't know exactly.

13 Q. Was it in the summer, the past  
14 few months?

15 A. It was before the request for  
16 all of this documentation occurred.

17 Q. Was it after the lawsuit was  
18 filed? That's December 2018.

19 A. Right.

20 Q. It's over a year ago. It's  
21 after the lawsuit and before the summer?

22 A. I could guess. I can't  
23 confirm.

24 Q. And how can you find out?

25 A. How can I find out when they

1       were deleted?

2           Q.       Mm-mmm.

3           A.       I have no clue.

4           Q.       Why did you delete the chats  
5 between you and Boyce?

6           A.       I deleted them because I just,  
7 just like a general e-mail in box, I hate  
8 having all these messages in there, so I  
9 delete them. I go through and delete  
10 things I don't need. That's what I do.

11          Q.       Have you deleted e-mails?

12          A.       As far as --

13          Q.       Regarding this case?

14          A.       Not that I know of. So any  
15 e-mails that I've needed to provide, I  
16 have provided. The only ones I deleted  
17 were the conversations between Bruce and  
18 I or anything around that timeline.  
19 Yeah.

20          Q.       Did you ever get instructions  
21 from your lawyer to preserve those?

22                   MR. FUDALI: Objection.

23          Q.       e-mails or chats or  
24 conversations?

25                   MR. FUDALI: I am going to

1 object and instruct him not to answer.  
2 That would be a violation of  
3 attorney/client privilege.

4 MR. ETRA: In the spirit of meet  
5 and conferring, you specifically noted  
6 a hold letter and subjects about it  
7 because it's not privileged. And we  
8 answered those questions. We can call  
9 it a hold letter and she can rephrase  
10 her questions. But it's the same  
11 question that you noticed for  
12 30(b)(6). Well, you or your colleague  
13 noticed for 30(b)(6) and he answered  
14 it, and you did that because you're  
15 right, that that's not privileged.  
16 Instructions to maintain whether they  
17 are maintained or produced, that same  
18 notice, the 30(b)(6), so I am meeting  
19 and conferring --

20 MR. FUDALI: That's fine. If he  
21 knows, he can answer that.

22 MR. ETRA: Why don't you ask the  
23 question again.

24 MR. FUDALI: Ask the question  
25 again.

1 Q. Were you instructed by counsel  
2 to preserve those communications with --

3 MR. FUDALI: Which  
4 communications?

5 Q. -- with other Plaintiffs or  
6 between you and a third party discussing  
7 this case or the allegations in this  
8 case?

9 A. Not that I can remember.

10 Q. Were you ever instructed by  
11 counsel to preserve records of any kind?

12 A. I can't remember.

13 Q. Okay. Have you seen the press  
14 conference with your lawyer and Jason  
15 Boyce and Mark Ricketson?

16 A. There is an actual video  
17 conference of it. I only saw the  
18 article, I didn't watch the video.

19 Q. Ever?

20 A. No. I did read the article.

21 Q. What article?

22 A. I don't know. Some general  
23 news. I don't know if it's like TMZ or  
24 something. You know what I mean, like  
25 they just post an article with it. I

1 don't know the exact company.

2 Q. About the press conference or  
3 about the allegations?

4 A. About the press conference,  
5 yeah.

6 Q. You told your therapist that  
7 after the assault by Bruce Weber, you  
8 didn't want to model for a while, right?

9 A. Correct.

10 Q. But you were constantly posting  
11 about all the jobs that you did get,  
12 right?

13 A. The few, yeah.

14 Q. Right?

15 A. Yeah.

16 Q. You posted in 2013 you did a  
17 photo shoot with MK TRAN?

18 A. Right.

19 Q. Right?

20 A. Right.

21 Q. You posted in September 19th  
22 that you were modeling in New York City  
23 for Peter Brown?

24 A. What year is that again?

25 Q. 2013.

1 A. Okay. Yeah.

2 Q. Yes?

3 A. Yeah.

4 Q. July 2015, you posed for  
5 Minnesota Bride Magazine and posted about  
6 it?

7 A. Yes.

8 Q. December 2nd, 2015, you posted  
9 you had one of the best photo shoots  
10 ever, right?

11 A. Yes.

12 Q. And that was at the Charmant  
13 Hotel?

14 A. Correct.

15 Q. And that's because you were  
16 still enjoying being a model?

17 A. Yes, I was comfortable in that  
18 market.

19 Q. January 12th, 2017, you posted  
20 another best shot ever, thanking J Longs  
21 for Men?

22 A. Yes.

23 Q. March 2nd, 2017, you post that  
24 you may recognize me from random ads,  
25 magazines and websites, you were modeling

1 for Pilgrim's Cleaners?

2 A. Yes.

3 Q. September 2017, you're posting  
4 about Barbell Apparel?

5 A. Posted about them. It was more  
6 of a sponsorship type thing.

7 Q. It seems that -- I mean, you  
8 were pursuing modeling through at least  
9 2017?

10 A. Yes.

11 Q. And presently you're still  
12 pursuing it?

13 A. It's more of a hobby at this  
14 point. I don't need it. Like I said, in  
15 that kind of market in Minnesota, that  
16 area, I am comfortable in that market.

17 Q. In January 2018 -- so again,  
18 just to be clear, none of that -- I mean  
19 it's not like you gave up your dream to  
20 be the biggest model on Earth, right?

21 A. I don't plan on it. That's not  
22 my intention now.

23 Q. Okay.

24 A. I still do enjoy it. I mean I  
25 don't think -- whether an incident



1 happens or not, you shouldn't give up  
2 somewhat of a dream that you have.

3 Q. Okay. And your dream was like  
4 winning the lottery anyway, agreed?

5 A. Initially, yes. But now it's  
6 just, it's more of a hobby for me. I  
7 don't need to do it financially. I don't  
8 need to do it. It's fun though. I enjoy  
9 it.

10 Q. And you enjoy it?

11 A. Yeah.

12 Q. In January 2018, you are  
13 contacted by the New York Times, yes?

14 A. Yes.

15 Q. Who contacted you?

16 MR. FUDALI: I think this was  
17 asked and answered.

18 MS. WEINTRAUB: No, I didn't ask  
19 who contacted him. I asked if he  
20 e-mailed with somebody and who.

21 MR. FUDALI: Sure.

22 You can answer if you recall.

23 A. I can't remember his name.

24 Q. And you didn't tell the New  
25 York Times that you did another photo

1 shoot with Bruce Weber a few weeks after  
2 the French Vogue shoot, did you?

3 A. I don't believe so.

4 Q. You never told the New York  
5 Times people that you wrote to Mr. Weber  
6 the day after each shoot telling him what  
7 an amazing experience it was?

8 A. Right, no, I didn't.

9 Q. And you didn't tell them, the  
10 New York Times people, that you were in  
11 constant communication with him for  
12 years, at your initiation mostly, right?

13 A. Mostly, yeah. No.

14 Q. Did the New York Times ask you  
15 for any communications between you and  
16 Bruce Weber?

17 A. Not that I remember.

18 Q. Did the New York Times ever ask  
19 if you had any corroboration of what you  
20 were claiming?

21 A. No.

22 Q. Do you?

23 A. I can't answer.

24 MR. FUDALI: Object to form.

25 Q. Who could?

1 A. Who could?

2 MR. FUDALI: I'm sorry, who  
3 could what?

4 Q. This claim of yours is all  
5 based on your word, agreed?

6 MR. FUDALI: Object to form.

7 Q. Your word against Bruce Weber's  
8 word? Do you agree?

9 MR. FUDALI: You can answer, if  
10 you know.

11 A. Sure.

12 Q. Is that a yes?

13 MR. FUDALI: He said sure. Come  
14 on, Jayne. He said sure.

15 MS. WEINTRAUB: Is that an  
16 objection? I heard what he said. I  
17 want a yes or a no.

18 MR. FUDALI: Yes, it's an  
19 objection. He doesn't need to answer  
20 the question again.

21 A. I mean yes.

22 MR. FUDALI: The objection was  
23 asked and answered.

24 Q. Fair to say that you had a  
25 taste of some fame with French Vogue and

1 the Abercrombie shoot?

2 A. Define that.

3 Q. Fame?

4 A. Yeah. I mean, with Abercrombie  
5 I was never out in the public with the  
6 photos. I was all under the radar.  
7 Nothing was exposed. Those photos  
8 weren't public from the shoot on a  
9 campaign.

10 French Vogue was pretty cool,  
11 yes. I was in a magazine and whatnot.  
12 But the Abercrombie & Fitch, nothing  
13 applied to a campaign or anything.

14 Q. Nothing like going on The View,  
15 which is national, right?

16 A. Right.

17 Q. I mean, that's pretty big  
18 exposure, yes?

19 MR. FUDALI: What's the  
20 question, is The View pretty big  
21 exposure?

22 MS. WEINTRAUB: Yes, that's the  
23 question. You want to answer it for  
24 him too?

25 A. Yes, it is pretty big exposure.

1 MR. FUDALI: Just wanted to  
2 verify the question. It was compound.

3 Q. They flew you to New York?

4 A. Yes.

5 Q. Put you up in a hotel?

6 A. Yes.

7 Q. Picked you up in a car?

8 A. Yes.

9 Q. It was good exposure for you  
10 personally if you want to pursue being an  
11 actor or model, right?

12 A. That wasn't my main intention.

13 Q. But it's possible that that  
14 could happen, right?

15 A. It could, it could.

16 Q. And while not being your main  
17 intention, it certainly went through your  
18 mind that somebody could see you, right?

19 A. Sure.

20 Q. And as you said to Bruce Weber,  
21 you really missed the lifestyle, the  
22 model lifestyle, right?

23 A. I said it before, yes.

24 Q. And you meant that part, yes?

25 A. Yup.

1           Q.       When you were on The View, you  
2       said you did some breathing exercises and  
3       then Bruce inappropriately touched me,  
4       right?

5           A.       Yes.

6           Q.       Those were your words,  
7       inappropriately touched you, yes?

8           A.       Yes.

9           Q.       And you said he inappropriately  
10      touched you and you backed away, right?

11          A.       Yes.

12          Q.       And that is the allegation that  
13      you make here, correct?

14          A.       Yes.

15          Q.       There was no time even for  
16      fondling, caressing, do you agree?

17                   MR. FUDALI: Object to form.

18          Q.       You had backed away way before  
19      any of that could happen?

20                   MR. FUDALI: Object to form.

21          Q.       Do you agree? You can answer.

22          A.       I don't know.

23          Q.       You don't agree?

24          A.       I don't know.

25          Q.       Okay. I need you to -- I need

1       you to, if you can, can you recall when  
2       this happened to you?

3             A.       When it happened?

4             Q.       When you're claiming something  
5       took place, can you recall that?   Yes?

6             A.       Yes.

7             Q.       So we talked about it before  
8       and I don't mean to belabor it.   I am  
9       just trying to move forward.   We talked  
10      about it before being two or three  
11      seconds.   Do you remember that, and I was  
12      counting it out?

13            A.       Yes.

14            Q.       And in the two to three  
15      seconds, you said what happened was he  
16      slid his hand down, reached your  
17      genitals, right?

18            A.       Yes.

19            Q.       That's the touching you  
20      inappropriately for two seconds?

21            A.       Yes.

22            Q.       And you backed away?

23            A.       Yes, that is correct.

24            Q.       And I am not being a wiseguy  
25      when I ask you this, so I don't mean

1       disrespect, but I am asking you a  
2       question. Do you know what the word  
3       "fondling" means or caressing?

4             A.       Yeah.

5             MR. FUDALI: For the record --  
6       just for the record, the deponent  
7       moved his hand forward and back to  
8       perhaps, I won't say what he did it  
9       for, but he was doing some sort of  
10      gesture.

11      Q.       Do you agree with me that  
12      caressing entails taking time?

13             MR. FUDALI: Object to form.

14      Q.       Petting almost? Yes?

15      A.       Yes. A quick motion like this  
16      is what it was.

17             MR. FUDALI: Again, he did the  
18      same hand gesturing for the record.

19      Q.       And that was the only  
20      inappropriate touching that you have ever  
21      claimed in this lawsuit, was that he  
22      inappropriately for the two seconds  
23      touched you in your genitals, yes?

24      A.       Yes. Yeah, anything that I  
25      didn't approve of, like the touching of



1 the chest or things like that.

2 Q. Okay. And he didn't kiss you?

3 A. No.

4 Q. Right?

5 A. Yeah, no.

6 Q. And in the complaint you don't  
7 allege that he did anything else, right?

8 A. I would have to review that  
9 again.

10 Q. Okay. Would you disagree with  
11 me if I said it's not in the complaint?

12 MR. FUDALI: I have the  
13 complaint. I can show it to him.

14 MR. ETRA: Is that an exhibit?

15 MR. FUDALI: I believe the  
16 complaint was marked as an exhibit. I  
17 gave him my copy, it doesn't have any  
18 markings on it for the record.

19 MS. WEINTRAUB: You know what,  
20 strike that. I forget the complaint.

21 Q. Do you allege that there was  
22 any other inappropriate touching by Bruce  
23 Weber to you, other than --

24 A. Not to that extent.

25 Q. I'm sorry?

1           A.       Not like that. Not on my  
2 private parts.

3           Q.       Where else?

4           A.       That's why I wanted to read  
5 that again.

6           Q.       As you sit here now and what  
7 you recall in your head right now --

8           A.       Yeah.

9           Q.       -- about those, that minute or  
10 two or however long you were upstairs  
11 with Bruce Weber when you claim this  
12 happened in the breathing exercises, are  
13 you claiming that anything else  
14 inappropriate happened at all other than  
15 the two to three seconds that we keep  
16 talking about where he touched your  
17 genitals and you moved back?

18          A.       No.

19          Q.       Have you ever been diagnosed  
20 with PTSD?

21          A.       No.

22          Q.       Do you know what PTSD is?

23          A.       Posttraumatic stress syndrome.

24          Q.       You don't have that, do you?

25          A.       Not that I know of.

1           Q.       Did you ever claim to have  
2 PTSD?

3           A.       No.

4                   (Ardolf Exhibit 25, Disclosures,  
5 was so marked for identification, as  
6 of this date.)

7           Q.       So I am going to show you  
8 what's now been marked as Exhibit 25.  
9 Just so we're clear, before we do that,  
10 you're not on medication of any kind,  
11 right?

12          A.       Right.

13          Q.       You don't take antidepressants,  
14 right?

15          A.       No. It's a topic of discussion  
16 currently.

17          Q.       For your skin?

18          A.       No, the depression medication.

19          Q.       And that's since the divorce,  
20 right?

21          A.       Everything, and bringing this,  
22 all this back up, yes.

23          Q.       And as we discussed, you never  
24 claimed that you didn't have a bigger,  
25 better career in modeling because of what

1       you claimed happened at the French Vogue  
2       shooting. If anything, that enhanced  
3       your career with those photos and the  
4       exposure in that magazine, right?

5                   MR. FUDALI: Object to form.

6           A.       Yes, the exposure. Whether it  
7       helped or not, I don't know. But you  
8       would think it would.

9           Q.       Right. But certainly that  
10      didn't derail your modeling career?

11      A.       No.

12      Q.       And so you agree that that is  
13      an incorrect assessment and complaint if  
14      it says that your career was derailed by  
15      that experience? That's not right, is  
16      it?

17      A.       Right.

18      Q.       Do you want to withdraw that  
19      statement?

20                   MR. FUDALI: Object to form.

21      Q.       You can answer.

22      A.       What do you want me to answer  
23      with?

24      Q.       I want you to answer with the  
25      truth that it didn't happen that way and

1       your career has not been derailed and you  
2       have no problem withdrawing that  
3       sentence?

4           A.       My career was not detailed by  
5       Bruce Weber.

6           Q.       Okay. You also never claimed  
7       to have PTSD, right?

8           A.       Right.

9           Q.       So if that claim is made on  
10      your behalf in the complaint, would you  
11      withdraw that?

12          A.       Is it in there?

13          Q.       Yes, it is.

14          A.       Oh, really. I have never been  
15      diagnosed with it, so.

16          Q.       And I misspoke. It's in the  
17      Plaintiff's first supplemental  
18      disclosures that were provided to us, and  
19      it says that you want to be reimbursed  
20      for your depression and among other  
21      things, which I am going to go through,  
22      PTSD. You don't have that?

23          A.       I have never been diagnosed  
24      with it, yeah.

25          Q.       And you don't have it?

1 MR. FUDALI: He said he's never  
2 been diagnosed.

3 Q. Are you saying that you think  
4 you have it but you're not diagnosed with  
5 it?

6 MR. FUDALI: Object to form.

7 A. I don't know.

8 Q. Is it a possibility in your  
9 mind that you have PTSD?

10 A. It's possible.

11 Q. Do you know what PTSD, what the  
12 symptoms are?

13 A. Yeah. So if I was in the same  
14 situation with a different photographer,  
15 bring flashbacks back.

16 Q. That you think is PTSD?

17 A. I think it could be. It could  
18 be classified.

19 Q. Who told you that?

20 A. Myself.

21 Q. Did you read it?

22 A. No, I didn't read that exactly.

23 Q. Did that ever happen to you?

24 A. What?

25 Q. Where you had another

1 experience that was inappropriate with  
2 another photographer?

3 A. No, I never did.

4 Q. So you never had a flashback  
5 about that?

6 A. I have flashbacks about it  
7 still, whether it was in a photo shoot or  
8 not.

9 Q. Sorry?

10 A. Whether it was in a photo shoot  
11 or not. So whether I had another photo  
12 shoot or not throughout that time.

13 Q. What time?

14 A. Up until now.

15 Q. Okay. Do you still get  
16 flashbacks?

17 A. Yeah. Discussing all this  
18 stuff, I definitely do.

19 Q. When was the first time you got  
20 a flashback?

21 A. I thought about it nonstop  
22 after it happened.

23 Q. That's not a flashback. Do you  
24 know what a flashback is?

25 A. That's what I was getting at.

1 I was thinking about it nonstop for, I  
2 don't know, it could have been a couple  
3 of years after the incident happened.  
4 And then that's when I deleted  
5 everything. Got everything out. I  
6 didn't want to see anything anymore.  
7 After that, yeah. It didn't occur every  
8 day. I wasn't thinking about it all the  
9 time. But could have been every few  
10 months.

11 Q. So let me stop you and maybe I  
12 need to clarify what a flashback is.  
13 Thinking about something -- are you  
14 saying that you have a flashback when you  
15 think about something? Do you think  
16 that's a flashback, thinking about  
17 something?

18 A. Thinking about something being  
19 in that moment as like -- I guess that's  
20 what I see it as.

21 Q. That period when you deleted  
22 all those, you deleted the conversations  
23 with Bruce Weber, you said?

24 A. Yes.

25 Q. But you were still e-mailing



1 with Bruce Weber?

2 MR. FUDALI: Asked and answered  
3 multiple times.

4 A. Yes.

5 Q. I don't understand, were you  
6 deleting it as soon as you got it or did  
7 you delete it sometime later?

8 A. It was later than that, yeah.

9 Q. So I am trying to understand  
10 when did you delete the e-mails?

11 A. I don't know an exact date.

12 Q. How about a year?

13 MR. FUDALI: This has been asked  
14 and answered.

15 A. It was after the last phone  
16 call I had with Bruce when my wife was  
17 there listening to it.

18 Q. We will talk about that in a  
19 minute. You're saying that flashbacks  
20 are when you think about it all day long,  
21 that's a flashback? I want to  
22 understand.

23 MR. FUDALI: Jayne.

24 A. No, I am not saying that's a  
25 flashback.

1 Q. Define your definition -- what  
2 is your definition of a flashback?

3 A. A flashback, I could see  
4 something. I could see a photo that he  
5 took. That brings me back to that point.  
6 That's what I think is a flashback.  
7 Maybe there is a different definition or  
8 explanation.

9 Q. So you didn't have flashbacks  
10 when you were sending Bruce nude  
11 pictures, that didn't give you  
12 flashbacks, right?

13 A. No, because I was thinking  
14 about that nonstop.

15 Q. You were thinking about what  
16 nonstop? I am not clear what you're  
17 saying.

18 A. Like I was thinking about what  
19 happened.

20 Q. When you were sending him nude  
21 pictures?

22 A. It was still in the back of my  
23 mind.

24 Q. So is it in the front of your  
25 mind and you're thinking about it and

1       it's debilitating and it's in the back of  
2       your mind and you're really not thinking  
3       about it when you're sending him the nude  
4       pictures? I need to know.

5               MR. FUDALI: What time period  
6       are you referring to?

7               MS. WEINTRAUB: Sorry?

8               MR. FUDALI: What time period  
9       are you referring to?

10              MS. WEINTRAUB: When he sent him  
11       the nude pictures. I need to know.

12       Q.       You said two different things.  
13       Let me take you back.

14              MR. FUDALI: You asked the  
15       question. He can answer it.

16              MS. WEINTRAUB: Okay.

17              MR. FUDALI: I think the  
18       question was --

19              MS. WEINTRAUB: I'm sorry, okay.

20       A.       It was probably shadowed by me  
21       wanting to get jobs. I mean that's  
22       obviously why I was e-mailing him.

23       Q.       But the question is about  
24       flashbacks.

25       A.       Right.

1           Q.       So I need you to answer the  
2       question that I ask. The question is,  
3       were you getting flashbacks during the  
4       same time that you were e-mailing Bruce  
5       Weber nude photographs, updated nude  
6       photographs of yourself, yes or no?

7           A.       I guess what's your definition  
8       of flashback?

9           Q.       Let's go with your definition  
10      of a flashback.

11          A.       Yeah, I would get them on and  
12      off.

13          Q.       How often?

14          A.       I'm not sure.

15          Q.       Every day?

16          A.       No, not every day. Could be  
17      every few weeks. Could be every few  
18      months. It varied.

19          Q.       Okay. Explain to me what  
20      happens and how long a flashback lasts  
21      for you.

22          A.       For example, if I -- because  
23      there was a point where I still like  
24      liked his stuff on social media. If I  
25      would see a post, that would bring me

1 back to that spot. French Vogue shoot.

2 Q. So what you're saying is bring  
3 me back to that spot. So you would think  
4 about it?

5 A. Right.

6 Q. Would you think about it for  
7 more than a few minutes?

8 A. It would affect me more than  
9 that. Longer than that.

10 Q. Okay. How long would it affect  
11 you?

12 A. That could vary too.

13 Q. Well, I mean, I am trying to be  
14 precise. You're asking for millions of  
15 dollars here, right? This is very  
16 serious.

17 MR. FUDALI: Object to form.

18 A. Right.

19 MR. FUDALI: That wasn't a  
20 question.

21 Q. And you're hoping to get  
22 millions of dollars, aren't you?

23 MR. FUDALI: Object to form.

24 A. I am not hoping to get  
25 anything.

1 Q. Really?

2 A. Yeah.

3 Q. We can arrange that.

4 MR. FUDALI: Hold on, hold on.  
5 Again, we don't need the comments.

6 MS. WEINTRAUB: This goes to his  
7 damages claim.

8 MR. FUDALI: Let's take a break.  
9 Jayne, I think you need to calm down.  
10 Let's take a break.

11 MS. WEINTRAUB: Why? So you can  
12 coach him? Come on. I don't want to  
13 take a break.

14 MR. FUDALI: Unfortunately you  
15 don't have that option. We are going  
16 to take a break. There is no question  
17 pending, we are going to take a break.  
18 I think you need to relax. You guys  
19 can do your little whispers and you  
20 guys can talk over.

21 MR. ETRA: I don't think she was  
22 raising her voice.

23 MS. WEINTRAUB: I wasn't raising  
24 my voice at all.

25 MR. FUDALI: You are making

1 inappropriate comments. You are being  
2 harassive. You are making statements  
3 like "We can arrange that."

4 MS. WEINTRAUB: To be clear,  
5 Arick, in all seriousness, I was not  
6 at all trying to do anything except  
7 understand what he was saying about  
8 the flashbacks and when he was  
9 claiming they happened and what  
10 happens when that occurs.

11 MR. FUDALI: That very well may  
12 be. I would like to take a break. We  
13 have that right. We can take a  
14 five-minute break. I think everyone  
15 needs to relax.

16 MR. ETRA: I want to go on the  
17 record that your colleague took the  
18 position that we are not allowed to  
19 take breaks unless both sides agree.

20 MR. FUDALI: What colleague?  
21 What are you talking about? When?

22 MR. ETRA: Anna. And she  
23 insisted on keeping the record open  
24 until both attorneys agree.

25 MR. FUDALI: Is that what you're

1           saying, you don't agree to a break?  
2           Is that your position?

3           MR. ETRA: We will agree to a  
4           break. Just making a point.

5           THE VIDEOGRAPHER: We are off  
6           the record at 3:39 p.m., this marks  
7           the end of media 4.

8           (Off the record.)

9           THE VIDEOGRAPHER: Back on the  
10          record at 3:47 p.m., this marks the  
11          beginning of media 5.

12          Q. As you sit here today, are you  
13          still seeking monetary damages and  
14          reimbursement of some sort from Bruce  
15          Weber?

16          MR. FUDALI: I am going to  
17          object and instruct him not to answer  
18          if that would -- if the nature and  
19          what is possible from a lawsuit is  
20          information that he received from his  
21          attorney or discussed with his  
22          attorney. That's the objection.

23          MS. WEINTRAUB: Back up.

24          MR. ETRA: May I meet and confer  
25          with you on this?



1 MR. FUDALI: Of course.

2 MR. ETRA: I understand your  
3 point, but there is a complaint in his  
4 name seeking damages.

5 MR. FUDALI: Understood.

6 MR. ETRA: I have never seen a  
7 situation where damages are  
8 discoverable, right, that's why you  
9 have damages. Here we have the actual  
10 party and asking him about his damages  
11 claim.

12 MR. FUDALI: Yes.

13 MR. ETRA: And you're saying --

14 MR. FUDALI: That question  
15 wasn't about his damages claim. The  
16 question was are you seeking money,  
17 right?

18 MR. ETRA: Well, he's asking if  
19 he's seeking money damages.

20 MS. WEINTRAUB: I asked if he's  
21 seeking any kind of reimbursement.  
22 I'm looking at medical expenses --

23 MR. FUDALI: Okay. I would ask  
24 for a more specific question and not a  
25 general question about what he is

1           seeking in this lawsuit. I believe  
2           that those strategic questions are  
3           protected by attorney/client privilege  
4           as to what is being sought after and  
5           what is not.

6                   MR. ETRA: Why don't you ask the  
7           questions one at a time and maybe  
8           Arick will reconsider his instruction  
9           perhaps.

10          Q.       Are you seeking economic  
11       damages for depression tied to Bruce  
12       Weber?

13                   MR. FUDALI: A, I am going to  
14       object to the form of the question.  
15       And B, if you can only answer that  
16       question based on conversations you  
17       had with your attorney, then I would  
18       instruct you not to answer.

19                   MS. WEINTRAUB: That's fine.  
20       That's fine. But my question, just so  
21       let me be very clear.

22          Q.       I am asking you, are you asking  
23       or seeking money from Bruce Weber for  
24       depression that you claim you suffered?

25                   MS. WEINTRAUB: It's not a legal

1 question.

2 MR. FUDALI: Okay. Let me make  
3 the same objection.

4 If you can answer that question  
5 without revealing information or  
6 strategy conversations that you had  
7 with your attorney, you can answer.  
8 If you can't answer without revealing  
9 information you solely received from  
10 your attorney or strategy of  
11 conversations that you had with your  
12 attorney, then I would instruct you  
13 not to answer and inform Ms. Weintraub  
14 that you can't answer the question.

15 A. I can't answer.

16 Q. Okay. So you can't tell me  
17 right now if you suffered from depression  
18 and are tying that to Bruce Weber?

19 MR. FUDALI: That's two  
20 questions. That's two questions. And  
21 that's not what you asked.

22 MS. WEINTRAUB: I am asking it  
23 now.

24 MR. FUDALI: Okay. So what's  
25 the question? It's a compound

1 question. I am not --

2 MR. ETRA: We will be patient.

3 We will go question by question.

4 Q. You've never been diagnosed  
5 with depression, have you, to your  
6 knowledge?

7 A. Until recently.

8 Q. When?

9 A. I don't know, I would have to  
10 look at the document.

11 Q. By Jessica when she said that  
12 you were depressed about the demise of  
13 your marriage, right?

14 MR. FUDALI: I am going to  
15 object. That's not what the documents  
16 say, and the documents speak for  
17 themselves.

18 MR. ETRA: Yet you make a  
19 speaking objection.

20 MR. FUDALI: That's fair.

21 Q. Did she tell you that she  
22 was -- I don't see a diagnosis of  
23 depression. She just said you were more  
24 depressed than you had been?

25 A. I guess she told me

1 differently.

2 Q. What did she tell you?

3 A. That's what she said. It's  
4 going to be -- she's going to diagnose me  
5 with depression.

6 Q. Did you ask her for a  
7 diagnosis?

8 A. I did not.

9 Q. And did she tell you what she  
10 was going to diagnose you as depressed  
11 connected to?

12 A. I would have to look back.

13 Q. No, I am asking you, what did  
14 you tell her? Did you tell her that you  
15 were depressed because of --

16 A. Because of everything going on.

17 MR. FUDALI: Objection.

18 Q. Wasn't it really you were  
19 depressed because you were drained from  
20 preparing for the deposition? Isn't that  
21 how it came about?

22 MR. FUDALI: I am going to  
23 object to the form of the question.

24 Q. You can answer it. Isn't that  
25 what happened?

1 MR. FUDALI: It's a very  
2 confusing line of questioning.

3 Q. Isn't that what happened?

4 MR. FUDALI: If you understand  
5 what she's asking, you can answer.

6 A. I don't understand.

7 Q. Tell me in your own words how  
8 you were harmed by Bruce Weber.

9 A. How I was harmed? Physically  
10 and mentally?

11 Q. Mentally.

12 A. Mentally, like I said, right  
13 after that incident I literally gained  
14 10 pounds.

15 Q. That's before you did the A&F  
16 shoot, right?

17 MR. FUDALI: Let him finish his  
18 answer, please.

19 A. Yes. I honestly felt like a  
20 piece of crap. I was just eating  
21 whatever. Didn't really care. Didn't  
22 have a care in the world anymore at that  
23 point.

24 Q. How long did that last?

25 A. It took me a while to get back

1 to somewhat of a constant state. But I  
2 don't know the exact date when that had  
3 changed.

4 Q. Approximately can you give me a  
5 year when that changed?

6 A. I would say within a year from  
7 that incident.

8 Q. But you were still able to  
9 work?

10 A. Yes.

11 Q. And you were still able to do  
12 your daily functions, right?

13 A. Yes.

14 Q. And you were still dating?

15 A. Right. I didn't have any  
16 long-term relationships after that other  
17 than my wife.

18 Q. I didn't ask if you fell in  
19 love, I just asked you if you were  
20 dating. You might not have met whoever  
21 you wanted to be in love with, right?

22 A. Right.

23 Q. You were able to do the A&F  
24 shoot and appear to be at your best, yes?

25 A. Yes.

1 Q. So you're not seeking damages,  
2 as Jessica said on 11/26, for any concern  
3 or difficulty with your sexual  
4 relationships. That didn't happen until  
5 recently. And you said that was as a  
6 result of the marriage -- divorce, right?

7 A. Right.

8 MR. FUDALI: I missed it, I know  
9 I'm late, but I am going to object to  
10 the form of that question.

11 Q. Have you ever suffered from  
12 sleep disturbances?

13 A. Sleep disturbances, like not  
14 being able to sleep or go to sleep?

15 Q. Yes. Because you told Jessica  
16 Auel, the record will reflect itself,  
17 that you slept fine. Are you claiming  
18 any sleep difficulties because of Bruce  
19 Weber?

20 A. I mean after that happened,  
21 that year or so, it was very difficult.  
22 But, you know, I have been trying to work  
23 through things, and things have gotten a  
24 lot better.

25 Q. So when you were so depressed



1 and you were having all of these  
2 difficulties, did you go seek help?

3 A. I did not.

4 Q. Did you talk to a friend? Did  
5 you talk to a counselor?

6 A. No one knew. No one knew about  
7 it. I tried to hide it and my ego is too  
8 big, you know.

9 Q. Were you doing drugs during  
10 that time?

11 A. No.

12 Q. Have you ever done illegal  
13 drugs?

14 A. A couple of times.

15 Q. Okay. Have you ever done  
16 cocaine?

17 MR. FUDALI: Object to the  
18 relevance. I will let him answer.

19 A. No, I haven't.

20 MS. WEINTRAUB: Because all of  
21 these drugs cause depression, and I  
22 want to know if he was taking --

23 MR. FUDALI: I just said I would  
24 let him answer.

25 A. No, no, I haven't.

1 Q. How about smoking pot?

2 A. Once or twice in my life. Not  
3 even around that time.

4 Q. What about ecstasy?

5 A. No.

6 Q. What other illegal drugs have  
7 you tried?

8 A. I have done Adderall a couple  
9 of times.

10 Q. And when was that? Was that  
11 around this time?

12 A. No, it was 2016. '17.

13 Q. And did you have a prescription  
14 for that?

15 A. No.

16 Q. What about anxiety, do you have  
17 anxiety?

18 A. On and off.

19 Q. And was the anxiety as we  
20 talked about with the therapist, wasn't  
21 it mostly related to the divorce and the  
22 demise of the marriage?

23 A. Yeah, I mean definitely.

24 Q. You said you were disappointed  
25 that Bruce Weber never booked you again,

1 right?

2 A. I probably did.

3 Q. That's what you said earlier.  
4 You said that you weren't angry, you were  
5 disappointed; is that correct?

6 A. Yeah.

7 Q. And you were also very  
8 frustrated that you were putting in,  
9 investing all of this time and all of  
10 these e-mails and texts and -- right?

11 A. Yeah, I was definitely  
12 frustrated, especially after different  
13 conversations we had about me being a  
14 potential candidate and whatnot. I mean  
15 my hopes are getting up there. But then  
16 someone else is booked. So yes, I was  
17 definitely irritated and frustrated with  
18 it.

19 Q. And you were still, at that  
20 point, you were still having financial  
21 issues, right?

22 A. Yes. Yeah. I lived paycheck  
23 to paycheck for a long time.

24 Q. And you knew or you thought  
25 that Bruce Weber, being so rich, could

1 just help you out?

2 A. I didn't look at it as far as  
3 him being rich. I looked at his power,  
4 his influence he had on the industry  
5 itself.

6 Q. And you wanted part of that?

7 MR. FUDALI: Object to form.

8 A. Yeah.

9 Q. After the French Vogue shoot,  
10 did you call your agent and tell him how  
11 the shoot went?

12 A. Yes.

13 Q. And what did you tell him?

14 A. I told him it went great.

15 Q. Okay.

16 A. I didn't tell him any details.

17 Q. But you told him it went great?

18 A. Yeah.

19 Q. So were you telling the truth  
20 or you were lying to him?

21 A. I was lying.

22 Q. And did you talk to your folks?

23 A. No.

24 Q. Did you tell anybody else about  
25 the shoot with French Vogue?

1           A.       If I told them about the shoot,  
2       it was anything not related to the  
3       incident.

4           Q.       Okay.

5           A.       Like I said, I never told  
6       anyone prior to me telling my wife.

7           Q.       And we don't know when that  
8       was.

9           A.       I can give you an approximate  
10      year.

11          Q.       Go ahead.

12          A.       I have to look back.

13          Q.       Okay. Let's talk about  
14      Heather.

15          A.       Okay.

16          Q.       So when did you first tell  
17      Heather, was it in couples therapy or  
18      before that?

19          A.       It was before that, yes. It  
20      was before that.

21          Q.       Do you remember when or why?

22                   MR. FUDALI: Object to form.

23                   You can answer.

24          Q.       Do you remember how that came  
25      up between you?

1           A.       I want to say from seeing the  
2       New York Times article.

3           Q.       Okay. So you saw the New York  
4       Times article and you think that you told  
5       Heather that you were a part of this?

6           MR. FUDALI: I don't want you to  
7       guess as instructed.

8           MS. WEINTRAUB: I guess he's  
9       telling you not to use that answer  
10      because he's coaching you.

11          That's not an objection. Come  
12      on, Arick, that's not an objection.

13          MR. FUDALI: How many times have  
14      you told a witness not to guess? How  
15      many times, Jayne. Don't be the pot  
16      calling the kettle black here.

17          MS. WEINTRAUB: Why do you think  
18      that he's guessing?

19          MR. FUDALI: Because at first he  
20      said I don't know and then you asked  
21      him three more times, then he said  
22      maybe it's the New York Times article.

23          I am just instructing you not to  
24      guess. You can answer the question,  
25      if that's the answer. I am

1           instructing you not to guess. If you  
2           are guessing, please let Ms. Weintraub  
3           know that that answer is an educated  
4           guess or a guess. That's it.

5           A.       Like I said, I think it was  
6           that. I can't confirm.

7           Q.       Okay. You think it was after  
8           you read the New York Times article, yes?

9           A.       Yes.

10          Q.       So what did you tell her, when  
11          you told her?

12          A.       I told her everything.

13          Q.       What?

14          A.       I told her the whole incident.  
15          The shoot. And yeah, she knew I had  
16          continued communication with him.

17          Q.       Okay. So that's 2018?

18          A.       Yeah.

19          Q.       Right? Okay. 2018 you tell  
20          Heather that Bruce Weber inappropriately  
21          touched you?

22          A.       Yes.

23          Q.       And what was her reaction?

24          A.       She was frustrated with the  
25          whole situation.

1 Q. Frustrated with what situation?

2 A. That that happened, that that  
3 incident happened, and she was sad for  
4 me.

5 Q. Were you divorcing at the time?

6 A. No.

7 Q. Are you aware of the affidavit  
8 that Heather has given in this case?

9 A. Yes.

10 MS. WEINTRAUB: Can we take a  
11 break for two seconds, let me get it,  
12 it's two seconds?

13 MR. FUDALI: I think both  
14 parties have to agree to this break.  
15 We can take a break.

16 THE VIDEOGRAPHER: Off the  
17 record at 4:04 p.m.

18 (Off the record.)

19 THE VIDEOGRAPHER: We are back  
20 on the record at 4:16 p.m.

21 Q. You've seen the declaration  
22 that your wife Heather submitted in this  
23 case?

24 A. Yes.

25 Q. Did you help her write this?



1           A.       No.

2           Q.       And can you explain how this  
3       came about that in -- it doesn't have a  
4       date. Do you know when he did this?

5           MS. WEINTRAUB: That's to him,  
6       but really looking at your lawyer.

7           Q.       Was it last year, the year  
8       before, five years ago?

9           MR. FUDALI: So for the  
10       record --

11          MS. WEINTRAUB: Thank you.

12          MR. FUDALI: -- I am going to  
13       object to this line of questioning on  
14       that I believe that affidavit, if my  
15       memory serves me correctly, was  
16       produced in conjunction with attempted  
17       settlement negotiation. If I remember  
18       correctly. If I'm wrong, you can  
19       correct me.

20          MR. BROWN: I don't believe  
21       that's correct.

22          MR. FUDALI: You don't believe  
23       that's correct.

24          MR. BROWN: I believe it was in  
25       the production.

1 MS. WEINTRAUB: It's a Bates  
2 stamp --

3 MR. FUDALI: Then I am  
4 incorrect.

5 MS. WEINTRAUB: Say that again?

6 MR. FUDALI: Then I withdraw my  
7 objection. I apologize. I was  
8 confused about the document.

9 Q. Okay. So --

10 MS. WEINTRAUB: But do you want  
11 to make a representation, since it's  
12 on The Bloom Firm stationery, when it  
13 was done? Because it's not dated.

14 MR. FUDALI: The year is not --

15 MS. WEINTRAUB: No. We can go  
16 off the record and I can just ask you.

17 MR. FUDALI: I honestly don't  
18 know, but I can --

19 MS. WEINTRAUB: Find out.

20 MR. FUDALI: I will agree to  
21 find that information out and either  
22 provide an amended declaration or let  
23 counsel know what the year was.

24 MS. WEINTRAUB: Okay. Thank  
25 you.

1           Q.       Let's assume that it was within  
2       the last year or two. I think it's okay  
3       to assume that because of what the Bates  
4       stamped numbers are.

5                   Your wife said years earlier  
6       she had been at home and saw you or heard  
7       you on the phone?

8           A.       Yes.

9           Q.       So explain what happened.

10          A.       So I am on the phone with  
11       Bruce. And, you know, we're talking  
12       general conversation. That's how it  
13       always went. And then after that we  
14       would hear him say, all right, where are  
15       you right now. Let try to find a  
16       different location, private location.

17                   After that happened the  
18       breathing exercises would commence. And  
19       then -- do you want more detail from  
20       that?

21          Q.       Yes.

22          A.       So the same thing would happen  
23       as far as what happened at the French  
24       Vogue shoot. He would tell me to put my  
25       own hand where I felt the energy. So I

1 would be putting it there. Here. And  
2 then when I would do it here, he would be  
3 like okay, now where is your hand? Okay.  
4 Now pull it away. Now where do you feel  
5 the energy now. And then I would put it  
6 somewhere. And ultimately I knew what he  
7 wanted. I knew he wanted me to, you  
8 know, touch, like he said, my cock,  
9 things like that.

10 Q. And you would do this on the  
11 phone with him?

12 A. For the first few times I did.

13 Q. Why did you do it on the phone?

14 A. What do you mean? I mean, I  
15 basically did this because there is a  
16 potential of more jobs.

17 Q. So you did this after -- you  
18 did these breathing exercises with him on  
19 the phone after you claim he  
20 inappropriately touched you?

21 A. Yes.

22 Q. Okay. When did this happen?

23 A. Several times. Multiple.

24 Q. Okay. It was obviously after  
25 French Vogue and after Abercrombie?

1           A.       Yes.

2           Q.       So do you know when after? Was  
3 it six months later, a year after?

4           A.       I would have to look at the  
5 phone records. I don't know.

6           Q.       Okay. And why would the phone  
7 records tell you?

8           A.       It would give you dates,  
9 wouldn't they? Or no?

10          Q.       Yeah, but aren't there a lot of  
11 phone records and aren't there a lot of  
12 phone calls back and forth between the  
13 two of you?

14          A.       Right.

15          Q.       I've seen text messages or  
16 e-mail messages that say, you know, I  
17 missed you. I tried you again. You are  
18 both talking about phone tag. So I am  
19 assuming, please correct me if I'm wrong,  
20 there was a lot of you called, he called  
21 you back?

22          A.       Right, there was a lot of that,  
23 yes.

24          Q.       So I am trying to understand if  
25 it's after 2011 or after the second shoot

1 in 2011, which the second one was in  
2 February?

3 A. Yes.

4 Q. 2011. Do you know when the  
5 first time you did this was?

6 A. I don't.

7 Q. How often did it happen? Was  
8 it every time you talked?

9 A. It was every time we talked.  
10 So a lot of those calls, yes, we are  
11 playing phone tag and whatnot. But every  
12 time we talked.

13 Q. Every single time you talked?

14 A. Yes.

15 Q. And you did it?

16 A. Yes.

17 Q. He would be on one end, you  
18 would be on the other. And you would be  
19 touching your head. Right?

20 A. Right. For the first few  
21 times, yes. And then after that, I knew  
22 where he was going with it. And I just  
23 faked it then.

24 Q. Faked what?

25 A. I faked the whole breathing

1 exercise.

2 Q. Okay. And that's what it was,  
3 it was a breathing exercise?

4 A. Right.

5 Q. I just want to be clear.

6 A. Oh, yeah.

7 Q. You're not masturbating or  
8 touching yourself?

9 A. Oh, no.

10 Q. That's clear?

11 A. Right.

12 Q. So there is no -- and there is  
13 no discussion of that? It's a real just  
14 breathing exercise and you're doing that  
15 on the phone?

16 A. Right.

17 Q. Okay. So you just said there  
18 is no masturbating, there is no touching.  
19 There is no talk of that, right?

20 A. Well, touching my body, yes.

21 Q. Correct, but --

22 A. No masturbation.

23 Q. Right, right. So this says,  
24 going back to Heather, in 2014, "Josh was  
25 at home on the phone when I walked in. I

1       could hear him speaking to a male on the  
2       other end."

3                   How would she know who you were  
4       talking to?

5       A.       She didn't.

6       Q.       Right. And it said "Josh was  
7       uncomfortable and went into the other  
8       room and I followed him."

9                   Did she often do that on the  
10      phone? Like you're on the phone and  
11      she's like following you around?

12      A.       I know. Yeah, she literally  
13      did. And I was literally going room to  
14      room. I was trying to avoid -- because I  
15      was like, you know, it's going to ruin my  
16      chances for a photo shoot or whatever.

17                  So she questioned me nonstop  
18      after that. And I just blew it off. I  
19      said, oh, it's a photographer I shot with  
20      for Abercrombie and French Vogue. But I  
21      didn't go into detail.

22      Q.       And actually this says that  
23      "Josh finally told me about Bruce's  
24      assault in December of 2017."

25      A.       About the assault, yes.



1 Q. And she claims that you had  
2 anger issues because of what happened  
3 with Bruce Weber. And you kind of claim  
4 at the end of the therapy session that I  
5 saw, you don't agree with that and think  
6 that she needs to own up to her  
7 responsibility for the demise of the  
8 marriage. Is that right?

9 A. I mean --

10 MR. FUDALI: Object to form.

11 A. -- there is give and take both  
12 sides, you know. There is always two  
13 sides to the story, I guess, with that  
14 situation.

15 Q. Okay. Well, in almost every  
16 situation, don't you agree?

17 A. Yeah.

18 Q. And taking it back to the  
19 phone, she certainly wasn't close enough  
20 to you to hear the person or hear what  
21 was being said, even if she's walking  
22 around after you, agreed?

23 A. Right.

24 Q. Okay. It says here that then  
25 you told Heather about what happened,

1 right?

2 A. Right.

3 Q. And it says December 2017,  
4 after an article about Bruce's sexual  
5 harassment toward other models came out?

6 A. Yes.

7 Q. And that is when you told her?

8 A. Yes.

9 Q. Okay. And you told her the  
10 details?

11 A. Yes.

12 Q. And you told them just as you  
13 said them today?

14 A. Yes.

15 Q. Right? And not to beat a dead  
16 horse, but I just want to make sure, is  
17 there anything else that you claim  
18 happened when you were alone doing the  
19 breathing exercise with Bruce upstairs  
20 that we have not talked about or you did  
21 not mention?

22 A. So, yeah. I was actually  
23 confused earlier when you brought that up  
24 before. I thought you meant just the  
25 complaint. Just the details in the

1 complaint. Not the interrogatories, I  
2 guess.

3 Q. Because you read those also?  
4 Right, when you verified them, you had to  
5 swear to them?

6 A. Right.

7 Q. You reread them?

8 A. Yes.

9 Q. And you saw something that you  
10 hadn't said?

11 A. Yes.

12 Q. And what was that?

13 A. He actually put his fingers in  
14 my mouth during that.

15 Q. And you're saying that now  
16 because you remembered you saw it in the  
17 interrogatories and you read that, yes?

18 A. I did read it before, yeah.

19 Q. Yeah. In the interrogatories?

20 A. Mm-mmm.

21 Q. You have to say yes or no.

22 A. Yes.

23 Q. Because it's not in the  
24 complaint?

25 A. Right.

1           Q.       And did you review that on any  
2       of the breaks today? It's okay if you  
3       did, I am just asking.

4           MR. FUDALI: I am going to  
5       object. That would be attorney/client  
6       privilege.

7           Q.       It's obvious that you did. You  
8       did?

9           MS. WEINTRAUB: It's not  
10       attorney/client privilege if he looked  
11       at a document today.

12          MR. FUDALI: It is absolutely  
13       attorney/client privilege if during  
14       one of the breaks, sitting with  
15       myself, we reviewed a document. Yes,  
16       that is --

17          MS. WEINTRAUB: I didn't ask him  
18       if he reviewed it with you.

19          MR. FUDALI: Okay. I am  
20       objecting to attorney/client  
21       privilege. And literally just  
22       following the precedent set by defense  
23       counsel.

24          MR. BROWN: Precedent, to the  
25       extent that you're claiming a bad

1 objection was made by another  
2 attorney, that's not a basis to now  
3 object.

4 MR. FUDALI: I am keeping it  
5 consistent with the way --

6 MR. BROWN: You can't go to  
7 court and say, well, they did it.

8 MR. FUDALI: Of course I can. I  
9 am being consistent with the way  
10 attorney/client privilege has been  
11 handled in this case. Regardless of  
12 that, I believe that that is protected  
13 by attorney/client privilege.

14 Q. So you remembered to bring it  
15 up from the document. And is there  
16 anything else that you want to remember  
17 to say?

18 A. No.

19 MR. FUDALI: Object to the form  
20 of the question.

21 Q. And the reason that that claim  
22 was made about the fingers in the mouth,  
23 because you read Jason Boyce's complaint,  
24 you said that earlier?

25 A. I did read it.

1 Q. And that's the claim that Jason  
2 Boyce made, right?

3 A. Yeah.

4 Q. And he's the only one that made  
5 that claim, but I guess it looked good to  
6 you?

7 MR. FUDALI: Object to form.

8 A. No.

9 Q. Can you tell me why -- we must  
10 have talked, and as your lawyer would  
11 tell you, I must have asked at least 20  
12 to 30 times and taken you through that in  
13 your own words, not in leading questions,  
14 what took place, do you remember all  
15 that, before the lunch break today?

16 MR. FUDALI: Object to the form  
17 of the question.

18 Q. We talked about the hallway and  
19 this and this and I counted out seconds,  
20 right, you remember that?

21 MR. FUDALI: Object to form.

22 A. Right.

23 Q. And you never once, when I said  
24 did anything else happen, did anything  
25 else happen, think in your mind, and I

1       said that to you, do you recall in your  
2       mind, do you have that memory, right?

3           A.       Yes.

4                   MR. FUDALI:   Object to form.

5           Q.       Not once did you mention the  
6       fingers in the mouth, did you?   Not once?

7           A.       Right.

8           Q.       You said that you gained  
9       10 pounds between French Vogue and  
10      Abercrombie?

11          A.       Mm-mmm.

12          Q.       Right?   You have to say yes or  
13      no.

14          A.       Yes.

15          Q.       And you said that's one of the  
16      things that you're claiming you're  
17      damaged by, that you just couldn't stop  
18      eating and you want to blame Bruce for  
19      it, right?

20                   MR. FUDALI:   Object to form.

21          Q.       Right?

22          A.       Yes.

23                   (Ardolf Exhibit 26, Photographs,  
24      was so marked for identification, as  
25      of this date.)

1           Q.       I am showing you Exhibit 26.  
2       Those are both pictures of you, aren't  
3       they?

4           A.       Yes.

5           Q.       You're the young man on the  
6       right and that's where you claimed that  
7       you gained 10 pounds in three weeks? Is  
8       that you in the picture?

9           A.       Yes.

10          Q.       Could you put your initials on  
11       your abs in the pictures, just so we know  
12       who it is or point or an arrow or  
13       something?

14                   Do you agree that the one on  
15       the left is the earlier one from French  
16       Vogue?

17          A.       Yes.

18          Q.       And do you agree that that's  
19       you with the young lady on the right for  
20       Abercrombie?

21          A.       Yes.

22          Q.       And this is where you claim you  
23       gained 10 pounds? Right?

24          A.       Approximately, yes.

25          Q.       You still claim that?



1           A.       What's that?

2           Q.       Do you still make that claim  
3 honestly?

4           A.       It may not have been exactly  
5 10 pounds.

6           Q.       I'm sorry?

7           A.       It might not have been exactly  
8 10 pounds.

9           Q.       It doesn't look like you gained  
10 weight there, does it?

11                   MR. FUDALI: Object to form.  
12 Asked and answered. What's the  
13 question?

14           Q.       During that year, all those  
15 e-mails you wrote to Bruce, you even  
16 wrote about "I'm working the abs hard,  
17 ha," right?

18           A.       Right.

19           Q.       You weren't gaining weight, you  
20 were working out and looking fine?

21           A.       There was a time when I gained  
22 weight.

23           Q.       This was the time that you  
24 gained weight?

25                   MR. FUDALI: Asked and answered.

1           A.       I gained a little bit and then  
2       I gained more before A&F.

3           Q.       So now it's not before A&F,  
4       it's after, because I showed you the  
5       picture --

6           A.       A little before.

7           Q.       Let me ask the question,  
8       because I showed you the pictures and you  
9       can obviously see it does not look like  
10      your testimony, does it?

11                  MR. FUDALI: Object to form.

12           Q.       Do you agree? Answer.

13                  You can answer.

14                  MR. FUDALI: Does he agree the  
15      picture does not look like his  
16      testimony?

17                  MS. WEINTRAUB: That's right.

18           Q.       The pictures do not match your  
19      testimony that you gained 10 pounds  
20      during those three weeks, does it?

21                  MR. FUDALI: Object to form.

22                  You can answer.

23           Q.       You can answer. It doesn't,  
24      does it?

25           A.       No.

1 MS. WEINTRAUB: We are going to  
2 take the last break for five minutes.  
3 Because I'm thinking I'm done.

4 THE VIDEOGRAPHER: Going off the  
5 record at 4:31 p.m.

6 (Off the record.)

7 THE VIDEOGRAPHER: We are back  
8 on the record at 4:42 p.m.

9 Q. Josh, I want to go back to  
10 something that you said. I want to be  
11 sure I understood. I was asking you  
12 before and you were telling us before  
13 about the breathing exercises on the  
14 phone, right?

15 A. Yes.

16 Q. And you never told your wife  
17 about that?

18 A. No.

19 Q. And you never told anybody  
20 about it?

21 A. No, I kept that a secret.

22 Q. Sorry?

23 A. I kept that a secret until I  
24 told my wife.

25 MS. WEINTRAUB: I want to go

1 back to exactly what he said.

2 Q. Because we ended with there was  
3 no touching yourself. There was no talk  
4 of touching yourself. There was none of  
5 that. And earlier you said, well, I knew  
6 that's what he wanted me to do.

7 A. Right.

8 Q. Do you remember that? Okay.  
9 So I need to know, it was in your mind,  
10 you knew that's what Bruce Weber wanted  
11 you to do, but he didn't overtly say to  
12 you in words verbally, I want you to now  
13 touch your private parts or touch your  
14 genitals?

15 MR. FUDALI: Object to the form  
16 of the question.

17 Q. Right? It was in your mind?

18 A. Over the phone conversations --

19 MR. FUDALI: Let him answer it.

20 Q. Right?

21 A. Yes.

22 Q. So Bruce Weber never said those  
23 words to you, in your mind you just knew  
24 that's what he wanted?

25 A. Right.

1           Q.       And you never told Jessica  
2       about that either, obviously, ever?

3           A.       I'm not sure. Her descriptions  
4       are pretty small compared to actually  
5       what we talk about over the whole -- what  
6       she typed up for each thing is like what,  
7       three sentences, a paragraph?

8           Q.       It's a summary.

9           A.       Right.

10          Q.       She talks about the  
11       molestation. She talks about what you're  
12       talking about.

13          A.       Right. But it doesn't go into  
14       detail.

15          Q.       Well, it doesn't say anything  
16       about -- did you tell her about the phone  
17       calls --

18          A.       I can't recall.

19          Q.       Hold on, let me finish the  
20       question.

21                   MS. WEINTRAUB: I'm sorry.

22                   MR. FUDALI: Go ahead.

23          Q.       Did you tell her about these  
24       phone calls?

25          A.       Not that I recall.

1 Q. Okay. So you said earlier that  
2 now after you saw the interrogatories,  
3 you saw that you claim that he put his  
4 fingers in your mouth during the French  
5 Vogue shoot?

6 MR. FUDALI: Object to form.

7 Q. Upstairs, right?

8 MR. FUDALI: Object to form of  
9 the question.

10 Q. Right?

11 A. Yes.

12 Q. So take me back, because I  
13 asked you 20 times, and I'm sure we're  
14 going to hear asked and answered, but I  
15 asked you 20 times and I never heard you  
16 use the word "fingers in the mouth." So  
17 now take me back, we're going upstairs  
18 with the assistant?

19 A. With the assistant.

20 Q. Right?

21 A. Yes.

22 Q. So tell me exactly how that  
23 happened.

24 A. So I was sitting with a group  
25 of models. Assistant comes over to me.

1 Hey, Bruce would like to take some shots  
2 with you.

3 MR. FUDALI: Did you want to  
4 hear all this or you just want to hear  
5 about the part you asked about?

6 MS. WEINTRAUB: Is there  
7 somewhere you want to go?

8 MR. FUDALI: I don't think  
9 that's what you asked him. So with  
10 your permission, I am going to allow  
11 you to interrupt him and ask you a  
12 specific question if that's what you  
13 would like to do.

14 MS. WEINTRAUB: Thank you.

15 Q. I would like to put you in the  
16 hallway upstairs.

17 A. Okay.

18 Q. Where you claim this happened  
19 and start from when it's happening.

20 A. Right.

21 Q. So tell me.

22 A. Okay.

23 MS. WEINTRAUB: Thank you.

24 MR. FUDALI: You're welcome.

25 A. Sorry. As this is happening,

1       you know, I am putting my hand, you know,  
2       could be on my shoulder. Could be on my  
3       chest. Could be on my head.

4           Q.       And he's very close to you  
5       physically?

6           A.       He's within an arm's reach,  
7       yeah, at this point.

8           Q.       Okay.

9           A.       And then I put my hand on my  
10      face and that's when --

11          Q.       That's when what?

12          A.       That's when his fingers slide  
13      in my mouth and they stay --

14          Q.       Hold on. His hand was over  
15      your hand?

16          A.       No, his hand is underneath  
17      mine. I am guiding it.

18          Q.       So you guided -- wait. You're  
19      guiding his hand?

20          A.       Yes.

21          Q.       And for the record, I am  
22      putting my right hand over my left hand,  
23      okay?

24          A.       Right.

25          Q.       To my right hand?



1 A. Is yours.

2 Q. And this is Bruce Weber?

3 A. Yes.

4 Q. Okay. And I'm you. So you're  
5 saying that you're guiding him?

6 A. Mm-mmm.

7 Q. Down your face?

8 A. I put my hand right here.

9 Q. And it then slipped into your  
10 mouth, the fingers slipped into your  
11 mouth, or did he put it in your mouth and  
12 leave it there?

13 A. He put his fingers in there for  
14 a second.

15 Q. Show me.

16 (Witness complies.)

17 Q. And your mouth was open like  
18 that?

19 A. Yeah.

20 Q. Why was your mouth open like  
21 that?

22 A. It ended up getting open like  
23 that.

24 Q. Did he open your mouth?

25 A. No.

1 Q. Okay. You need to explain to  
2 me, because I can't get a visual of this.

3 MR. FUDALI: Just let him  
4 explain it to you. Just let him.  
5 This whole -- never mind.

6 MS. WEINTRAUB: This whole part  
7 is kind of crazy, I agree.

8 MR. FUDALI: No, just let him  
9 explain it to you, and I am sure he  
10 can do it and we can move on.

11 Q. Show me and tell me what  
12 happened. First it's your head, your  
13 shoulders, your chest?

14 A. Right. I don't know the exact  
15 order of that.

16 Q. Okay. Okay.

17 A. It was so long ago, I can't  
18 remember. But, yeah. And then, you  
19 know, I put his hand right here on my  
20 face. And yes, his hand slid down.  
21 Fingers got close to my mouth. I opened  
22 my mouth.

23 Q. So you opened your mouth for  
24 him to put his fingers in?

25 A. That wasn't my intention. But

1       it just happened. I mean, how old was I?  
2       I was super young.

3           Q.       Hold on, hold on. You're not  
4       ten years old. You're 20 years old.

5           A.       Yeah.

6           Q.       Right?

7           A.       Still very young.

8                   MR. FUDALI: The question is  
9       you're 20 years old, right?

10          Q.       Yes?

11          A.       Yeah.

12          Q.       You were living on your own,  
13       yes?

14          A.       Yes.

15          Q.       You were being a model, yes?

16          A.       Yes.

17          Q.       You were comfortable posing in  
18       the nude?

19          A.       Right.

20          Q.       Let's not make it seem like he  
21       took advantage of you being a child.  
22       That didn't happen, did it?

23                   MR. FUDALI: Object to the form.

24          Q.       Right?

25                   MR. FUDALI: Object to the form.

1           Q.       You're not claiming that, are  
2       you?

3           A.       No.

4           Q.       Okay. So during this breathing  
5       exercise, you guide his hand?

6           A.       Yes.

7           Q.       And his hand slides, is sliding  
8       down your face. You open your mouth.

9           A.       Right.

10          Q.       And he puts his finger in it.  
11       You think it was fair for him to think  
12       that that's what you wanted at that point  
13       if you opened your mouth, that could have  
14       been misunderstood?

15          A.       Right, right, you're right.

16          Q.       Right?

17          A.       Yeah.

18          Q.       I mean, it also could have  
19       just, as you're guiding it and you open  
20       your mouth, it could have just slid on  
21       your mouth?

22          A.       It didn't slide. It was there  
23       for a second or two.

24          Q.       And it was because you opened  
25       your mouth?

1 MR. FUDALI: Object to form.

2 Q. Yes? I just want to be clear.

3 A. Right.

4 MR. FUDALI: Okay.

5 Q. The first time that you ever  
6 told anybody about the fingers in the  
7 mouth is today?

8 A. Anybody.

9 Q. Aside from your lawyer for the  
10 interrogatory?

11 A. I can't remember.

12 Q. You do remember telling other  
13 people the story?

14 A. Yes.

15 Q. And just like I went over for  
16 hours this morning, it didn't come out  
17 then either?

18 A. Right.

19 MR. FUDALI: Object to form.

20 Q. And do you agree it's probably  
21 the first time that you even ever said it  
22 out loud?

23 MR. FUDALI: Object to form.

24 Q. You can answer.

25 MR. FUDALI: I instruct you not

1 to answer based on attorney/client  
2 privilege.

3 MS. WEINTRAUB: You can't.

4 MR. FUDALI: I can say he can  
5 answer the question if it doesn't  
6 reveal conversation you had with your  
7 attorney.

8 Q. Other than to your attorney,  
9 that's the first time you're saying it  
10 out loud to anyone, isn't it?

11 MR. FUDALI: That's fine.

12 A. I don't know for sure. I don't  
13 honestly.

14 MS. WEINTRAUB: Subject to the  
15 objections and discussions previously  
16 about what you instructed him not to  
17 answer and the documents --

18 MR. FUDALI: I believe there was  
19 an agreement on documents.

20 MR. ETRA: There may be some  
21 other documents that came up today.

22 MR. FUDALI: I think that where  
23 we had an agreement was, and correct  
24 me if I'm wrong, was the couples  
25 therapy records.

1 MS. WEINTRAUB: Correct.

2 MR. FUDALI: And I believe we  
3 also had an agreement that we would  
4 get the date for you on Heather  
5 Ardolf's affidavit.

6 MR. ETRA: On that --

7 MR. FUDALI: I believe  
8 everything else was subject to  
9 objection.

10 MR. ETRA: The record will be  
11 what it is, because you may not  
12 remember it. In particular, I just  
13 want to say, Arick, that he says that  
14 he would have to look at, my  
15 recollection, he had to look at the  
16 text communications with Heather,  
17 we're using first names, I don't mean  
18 to offend.

19 THE WITNESS: Right, right.

20 MR. ETRA: To figure out when he  
21 told her. To me that suggests that  
22 some of the text communications should  
23 probably be produced.

24 MR. FUDALI: To me it could help  
25 him place a time frame. If there are

1 text messages that discuss the  
2 incident that we believe are not  
3 privileged for some reason, we will  
4 provide them.

5 MR. ETRA: The record is what it  
6 is what the open issues are.

7 MS. WEINTRAUB: Can you guys  
8 just keep this up for another minute?

9 MR. FUDALI: You want us to talk  
10 about something else?

11 MS. WEINTRAUB: Yeah, wait.

12 MR. FUDALI: I do believe there  
13 were some agreements and otherwise  
14 Plaintiff objects to the other.

15 Q. And just to be clear,  
16 April 12th, 2019, and I am going to refer  
17 you, I don't have it printed out, I'm  
18 sorry, because I didn't expect this,  
19 Plaintiffs 003, which I will show you on  
20 my computer, and I will get an exhibit  
21 and make it Exhibit 27.

22 [The document Bates stamped  
23 Plaintiffs 003 was hereby marked as  
24 Ardolf Exhibit 27 for identification,  
25 as of this date.]



1           Q.       It is -- how do you pronounce  
2       that, Mankato?

3           A.       Mankato.

4           Q.       Marriage & Family Therapy  
5       Center. And this was what we had been  
6       looking for from your co-counsel, from  
7       Anna Gronningsater for a long time. We  
8       didn't have 01 through 3. And then we  
9       finally got that and that's why it's  
10      separate. And that's why I apologize.

11           MR. FUDALI:   Okay.

12           Q.       You told Jessica on April 12th,  
13      2019 that you took a break from modeling.

14           A.       Okay.

15           MR. FUDALI:   I am going to  
16      assume since we don't have it in front  
17      of us, that this is being read  
18      verbatim on the document. I trust  
19      you. I just want you to state that  
20      for the record because I don't have it  
21      in front of me. I will take your word  
22      for it if you do say so that that is  
23      being read verbatim and not  
24      paraphrased. Just say that it's  
25      verbatim and we are good, on the

1 record.

2 MS. WEINTRAUB: And you can read  
3 it with me.

4 Q. "He took a break from  
5 modeling," do you see that?

6 A. Yes.

7 Q. And as we've said, you didn't  
8 take a break from modeling, because right  
9 after the French Vogue, when you claim  
10 the assault occurred, as a matter of fact  
11 you shot with Bruce Weber three weeks  
12 later, so you certainly weren't taking a  
13 break after the assault, right?

14 A. Not right after, right.

15 Q. Okay. Well, you didn't tell  
16 the therapist I didn't take a break not  
17 right after. I used him again but then I  
18 took a break later. It says that you  
19 said right after the assault you took a  
20 break.

21 MR. FUDALI: Is that what it  
22 says? Again, we don't --

23 MS. WEINTRAUB: And I want to  
24 read it again, because I don't want  
25 to --

1 MR. FUDALI: Let's make sure  
2 that's exactly what it says.

3 Q. It said that "He developed a  
4 significant depressive symptom which  
5 ultimately led him to leave full-time  
6 modeling. Josh expressed he took a break  
7 from modeling and now accepts modeling  
8 jobs on a very part-time basis."

9 MR. FUDALI: I am glad you read  
10 it back. Because that doesn't say  
11 right after.

12 Q. "Josh reported he was sexually  
13 assaulted in 2012 by photographer Bruce  
14 Weber during his time in the modeling  
15 industry. He developed depressive  
16 symptoms which led him to leave full-time  
17 modeling. Josh expressed he took a break  
18 from modeling and now accepts modeling on  
19 a very part-time basis."

20 So where was the break?

21 A. The break was after the  
22 Abercrombie & Fitch.

23 Q. Okay. And wasn't that, as we  
24 talked about, because you weren't getting  
25 an offer? It wasn't because you, Josh

1       Ardolf, decided you're not going to  
2       model?

3             A.       Right.

4             Q.       Okay.

5             A.       Yeah.

6             Q.       There is no way that you can,  
7       in your mind, decompartmentalize what you  
8       claim is depression from those first, I  
9       guess, couple of months after the French  
10      Vogue shoot in 2011 as opposed to how you  
11      separate that from the depression that  
12      you've had over the past several years  
13      with the struggle in your marriage?

14            MR. FUDALI:   Object to form.

15            Q.       Right?

16            A.       Yes.

17            MS. WEINTRAUB:   I have no  
18       further questions at this time subject  
19       to reserving my rights for every other  
20       reason I can think of under the sun.

21            MR. FUDALI:   I have a few.

22       EXAMINATION BY MR. FUDALI:

23            Q.       Okay, Mr. Ardolf.   Let me show  
24       you what was marked by Defendant as  
25       Defendants' Exhibit 3 and turn --

1 MS. WEINTRAUB: What is it?

2 MR. FUDALI: The complaint.

3 Q. Which is the complaint in this  
4 lawsuit. And turn your attention to  
5 paragraph 21. There were some questions  
6 by Ms. Weintraub to you and some answers  
7 that at least part of this paragraph is  
8 not true. Do you recall that question  
9 and answer?

10 A. Yes.

11 Q. What part of this paragraph  
12 specifically is not true?

13 (Witness reviews document.)

14 MR. ETRA: Which paragraph?

15 MS. WEINTRAUB: You said 21?

16 MR. FUDALI: Yes.

17 A. Is that the one?

18 MS. WEINTRAUB: I didn't ask  
19 about 21.

20 MR. FUDALI: Hold on, I'm sorry.  
21 My mistake. Thank you. It's  
22 paragraph 28. Thank you for the  
23 correction.

24 A. Page 4?

25 Q. It goes from page 4 to page 5.

1           A.       Okay.

2           Q.       Do you recall a question and  
3       answer session about paragraph 21 where I  
4       believe Ms. Weintraub asked something  
5       along the lines whether that paragraph is  
6       completely true. I am paraphrasing. And  
7       you said no. Do you recall that?

8                   MS. WEINTRAUB: Object to the  
9       form.

10          Q.       Do you recall that?

11                  MR. BROWN: You confused him  
12       because you said 21 again.

13                  MR. FUDALI: I said 21. Thank  
14       you. It's been a long one.

15          Q.       Paragraph 28, do you recall Ms.  
16       Weintraub asking you about that  
17       paragraph?

18          A.       Yes.

19          Q.       And do you recall answering one  
20       of Ms. Weintraub's questions that perhaps  
21       some or part of that paragraph was not  
22       true?

23          A.       Yes.

24          Q.       Okay. Specifically what part  
25       of this paragraph is not true?

1           A.       Weber did not exactly say he's  
2 going to use his power and influence.  
3 That is how I perceived it.

4           Q.       What did Mr. Weber say to you  
5 that caused you to perceive it that way?

6           A.       He basically said, like I said  
7 before, you know, I can be a top  
8 candidate for the next job.

9           Q.       And that's what you  
10 interpreted?

11          A.       Right.

12          Q.       And you interpreted that to  
13 mean that he could use his power and  
14 influence to get you that job?

15          A.       Right.

16                   MS. WEINTRAUB:   Objection.

17          Q.       Did you believe that Mr. Weber  
18 had the ability to get you top jobs in  
19 the industry?

20          A.       Yes.

21          Q.       Did you believe that if you let  
22 Mr. Weber sexually assault you, that you  
23 could, that you were more likely, that  
24 Mr. Weber would be more likely to get you  
25 those jobs?

1 MS. WEINTRAUB: I object.

2 Q. You can answer.

3 A. It was in the back of my head.  
4 I didn't know, you know. You go into  
5 this one-on-one shoot and you're chasing  
6 your dream. You are trying to get there.  
7 And I just got lost and my morals went  
8 out the door and everything else. I was  
9 just focusing on my career goals, I  
10 guess.

11 Q. We discussed that after  
12 Mr. Weber touched your penis, that  
13 Mr. Weber informed you about potential  
14 jobs you could have?

15 A. Yes.

16 Q. Okay. Did Mr. Weber say  
17 anything to you -- that was after the  
18 breathing exercise, correct?

19 A. Yes.

20 Q. Did Mr. Weber say anything to  
21 you during the breathing exercise that  
22 you recall?

23 A. Not conversational.

24 Q. Did he say anything to you out  
25 loud verbally?



1 A. Not that I recall.

2 Q. There was some discussion, a  
3 lot of discussion about where this  
4 incident took place in the upstairs part  
5 of the house. Do you recall that?

6 A. Yes.

7 Q. There was some discussion about  
8 whether there was a door, whether there  
9 was a room, whether there were four  
10 walls, whether there was a hallway,  
11 corridor, bathroom. Do you recall that?

12 A. Yes, I remember that.

13 Q. As you sit here today, do you  
14 specifically recall the exact type of  
15 room that the incident took place?

16 MS. WEINTRAUB: Objection.

17 A. I don't know the exact type of  
18 room.

19 Q. It could have been a corridor  
20 or a hallway or a room or a bathroom; is  
21 that correct?

22 A. Yeah. I know it was on the  
23 second level.

24 MS. WEINTRAUB: Objection.

25 Q. Do you recall that it was on

1 the second floor?

2 A. Yes.

3 Q. There are also some questions  
4 about whether he had time to touch --  
5 whether he had time to fondle you. And I  
6 don't believe there was ever -- the  
7 question was asked.

8 MS. WEINTRAUB: Because, excuse  
9 me, because you instructed him not to  
10 answer the question. So I don't think  
11 you can ask him now about the fondling  
12 and caressing when you shut me down.

13 MR. FUDALI: I don't believe  
14 that to be true. But I'll ask it  
15 anyway and you can object.

16 Q. When Mr. Weber touched your  
17 penis, as you alleged during this  
18 deposition, did Mr. Weber fondle your  
19 penis?

20 A. Like we said before, it was  
21 this motion.

22 Q. Okay. And the motion you're  
23 doing was moving your hand up and down?

24 A. Yes.

25 Q. Did Mr. Weber move his hand up

1 and down on your penis?

2 A. Yes.

3 Q. During those two to three  
4 seconds?

5 A. Yes, he did.

6 Q. There were a lot of questions  
7 about how, about things in your life that  
8 perhaps were not caused by Mr. Weber. Do  
9 you recall that?

10 A. Yes.

11 Q. And there were a lot of  
12 questions about how what Mr. Weber did  
13 did not affect you. Do you recall that?

14 A. Yes.

15 Q. As you sit here today, to the  
16 best of your ability, can you explain  
17 mentally what you've been through as a  
18 result of what Mr. Weber alledgedly did  
19 to you?

20 A. Most of it was post, just right  
21 after. Yes, I sent e-mails. Yes, I did  
22 this and that. I was career focused.  
23 Basically, trying to put everything in  
24 the back of my head and not think about  
25 it, you know. And up until -- when that

1 article came out, obviously it was in the  
2 back of my head always. And this article  
3 came out and I just -- that was it. I  
4 couldn't keep it in anymore.

5 Q. Are you having difficulty  
6 articulating how what Mr. Weber did  
7 affects you today?

8 MS. WEINTRAUB: Objection  
9 strongly.

10 MR. FUDALI: Noted.

11 Q. You can answer. Do you have  
12 difficulty explaining how you feel inside  
13 as a result of what Mr. Weber did to you?

14 MS. WEINTRAUB: Objection.

15 Q. You can answer.

16 A. Currently right now I feel sick  
17 to my stomach.

18 Q. As you sit here today, are you  
19 still suffering, in your mind, from what  
20 Mr. Weber did to you?

21 A. I think one of the biggest  
22 things is trust issues at this point.

23 Q. Do you still think about what  
24 happened?

25 A. Definitely. Especially with

1 this going on right now.

2 MR. FUDALI: I think I might be  
3 done. One second, please.

4 Q. Were you excited when the  
5 assistant told you that Mr. Weber wanted  
6 to do a solo shoot with you?

7 MS. WEINTRAUB: Objection.

8 Q. Were you excited at that  
9 opportunity?

10 A. Yes. And I think they asked  
11 the same question. Yes.

12 Q. Okay.

13 MR. FUDALI: That's all I have,  
14 thank you.

15 EXAMINATION (Continued)

16 BY MS. WEINTRAUB:

17 Q. As you sit here now, after you  
18 testified at least five times that you  
19 thought that Bruce Weber inappropriately  
20 touched you in a hallway with no door,  
21 are you now changing your testimony  
22 again?

23 We can read the record back,  
24 Mr. Ardolf. Are you changing your  
25 testimony?

1           A.       I believe my last statement was  
2       I didn't know the exact type of room it  
3       was.

4           Q.       But you testified several times  
5       earlier.

6                   MR. FUDALI:   You testified.

7                   MS. WEINTRAUB:   Arick,  
8       absolutely he did.   And if you want,  
9       we can start and wait and we will have  
10      it read back.   He absolutely testified  
11      at least three times.

12          Q.       At least three times that we  
13      have marked that you thought it was in a  
14      hallway with no door.

15          A.       I thought.

16          Q.       Okay.   And you still think so?

17          A.       It's open ended, yeah.

18                   MS. WEINTRAUB:   I have no  
19      further questions.

20                   MR. FUDALI:   Nothing.

21                   THE VIDEOGRAPHER:   This  
22      completes today's testimony of Joshua  
23      Ardolf.   We are going off the record at  
24      5:07 p.m.   This also concludes media 5.

25                   (Time noted:   5:07 p.m.)

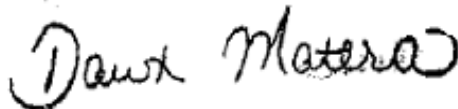
CERTIFICATION

I, DAWN MATERA, a Notary Public  
for and within the State of New York, do  
hereby certify:

That the witness whose testimony  
as herein set forth, was duly sworn by  
me; and that the within transcript is a  
true record of the testimony given by  
said witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I  
am in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this 7th day of  
October, 2019.

A handwritten signature in cursive script that reads "Dawn Matera". The ink is dark and the signature is fluid.

DAWN MATERA

CASE NAME: Jason Boyce v Bruce Weber  
DATE OF DEPOSITION: September 26, 2019  
WITNESS'S NAME: JOSHUA ARDOLF

This image shows a full page of primary-ruled paper. It features four vertical columns, each defined by two parallel dashed lines. The first column is on the left side, followed by three more columns towards the right. Each column provides a space for handwriting practice, typically used for teaching letter formation and alignment. The paper is otherwise blank, with no text or other markings.

JOSHUA ARDOLF

Subscribed and Sworn To  
Before Me This \_\_\_\_\_ Day  
of \_\_\_\_\_, 2019.

-----  
Notary Public  
My Commission Expires



[&amp; - 26th]

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